



## Report to the Plan Commission

January 28, 2013

**Legistar ID: # [28787](#)**  
**413 & 429 South Yellowstone Drive**  
**Conditional Use Alteration**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

**Requested Action:** The applicant requests approval of a conditional use alteration to modify and construct an addition to an existing community-based assisted living residential facility.

**Applicable Regulations & Standards:** This project was submitted prior to the new zoning ordinance taking effect and therefore is subject to the guidelines and regulations for the approval of conditional uses in Section 28.12 (11) of the 1966 Zoning Code.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed conditional use alterations at 413 & 429 South Yellowstone Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and the other reviewing agencies.

### **Background Information**

**Applicant / Contact:** Scot Schmidt; PDC Midwest, Inc; 1130 James Dr; Suite 106; Hartland, WI 53029

**Property Owner:** Brookdale Senior Living, Inc; 6737 West Washington St; Milwaukee, WI 53214

**Proposal:** The applicant proposes to renovate an existing two-story facility and construct a new three-story addition.

**Parcel Location:** The subject site includes two lots located on the west side of South Yellowstone Drive, near its intersection with Grand Teton Plaza within the "Park Towne" development. The site is within Aldermanic District 19 and within the limits of the Madison Metropolitan School District.

**Existing Conditions:** 413 Yellowstone Drive includes the existing two story 48-unit assisted living facility. 429 Yellowstone Drive includes a partially wooded, undeveloped property immediately to the south.

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

**North:** Credit Union at the corner of Mineral Point and South Yellowstone, zoned SE (Suburban Employment District). The site was formerly zoned C3- Highway Commercial District.

**South:** Multi-tenant office building and day care facility, zoned SE (Suburban Employment District). The site was formerly zoned C3- Highway Commercial District.

**East:** Undeveloped wooded lands, part of a senior housing development zoned PD (Planned Development); and

**West:** Multi-tenant office buildings, zoned SE (Suburban Employment District). The site was formerly zoned C3- Highway Commercial District.

**Adopted Land Use Plan:** The Comprehensive Plan recommends employment uses for the surrounding site.

**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.

**Zoning Summary:** Under the 1966 Zoning Code, the property was zoned C3 (Highway Commercial District). This project was submitted prior to the new code taking effect and those applicable standards are noted below. Under the new code, the subject properties are zoned SE (Suburban Employment).

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	177,019 sq. ft.
Lot width	50'	269.96'
Usable open space	n/a	n/a
Front yard	0'	Adequate
Side yards	0'	29' RS / 28' LS existing
Rear yard	30'	44' 8"
Floor area ratio	3.0	less than 1.0
Building height	--	3 stories
Number parking stalls	29	75
Accessible stalls	3	4 (Please see comment # 24)
Loading	n/a	n/a
Number bike parking stalls	3	3 (Please see comment # 25)
Landscaping	Yes	Yes (Please see comment # 27)
Lighting	Yes	Yes (Please see comment # 26)
<b>Other Critical Zoning Items</b>	Utility easements; Barrier free (ILHR 69)	

*Table Prepared by Patrick Anderson, Assistant Zoning Administrator*

## **Project Review, Analysis, and Conclusion**

The applicant requests approval of a conditional use alteration to modify and build an addition to an existing 48-unit assisted living facility. Upon completion, the expanded facility will include 104 assisted units with 110 total beds. This request is subject to the approval standards for conditional uses in the 1966 Zoning Code.

The subject site includes two lots within the Park Towne development. The existing two-story facility is located on a 1.8 acre site at 413 Yellowstone Drive. The addition is primarily located on 429 South Yellowstone Drive, an undeveloped and partially wooded 2.26 acre lot immediately to the south. These properties surround an office building which is not part of this development site or request. Staff note that a certified survey map (CSM) to combine these two properties into one lot has been submitted for administrative review.

The renovations to the existing structure include converting 11 assisted care units into additional facility support spaces including dining, salon, spa and kitchen areas. A new drop-off canopy will be added to the main entry and an enclosed covered deck will be constructed off of the second floor.

The proposed three-story, 64,846 square foot addition will include 67 assisted living units. This includes 23 studio units, 42 one-bedroom units, and two (2) two-bedroom units. In-building amenities include a shared dining room, library, game room, spa, courtyard, and great room. The exterior will be clad in a stone veneer base with horizontal fiber cement siding, above.

The addition sits perpendicular to the existing building, with the setback matching that of the current structure. Plans show 44 parking stalls will be located between the street and the building. This area also includes open space and four bio-retention areas, which are to include native perennial plug plantings. A direct sidewalk connection is proposed between Yellowstone Drive and the front of the building. Staff recommend that the landscape plan be clarified to clearly indicate the location of species, including the canopy trees depicted along the main access drive.

A note on both the approved plat and a previously approved CSM requires that "The owner/developer of each lot shall consult with the parks conservation specialist at the time of preparing the site plan for any lot in this plat so that consideration can be given (to) grading and the preserving of the larger trees." The applicant has consulted with Russ Hefty, the City's Conservation Resource Manager who recommended the preservation of the oak tree at the back of the site. Mr. Hefty further noted that while that particular tree is not in good health, the removal of nearby box elder trees may benefit the tree allowing more light to reach it. In addition, the applicant's plans show the preservation of a mature cherry tree at the southeast corner of the site and a box elder tree at the south center of the site. While not a formal recommended condition of approval, it was suggested by the Conservation Resource Manager that two mature silver maples at the rear of the property also be considered for protection, noting large trees can provide important habitat for wildlife. Plans show these being removed.

Finally, it was recommended that due to the site's location adjacent to an oak woods and private hiking trail system, storm water management should not increase the overland flow from these lots into this natural area. Please see the comments from the Parks Division for additional information.

The plans show a total of 75 total automobile parking stalls. In justifying the proposed parking supply, the letter of intent states that when counting for shift overlaps, up to 43 employees may be on site during peak times. In terms of visitors, the applicant forecasts a need for 28 stalls, citing their observed ratio of four (4) residents to one (1) visitor during peak times. To serve the small number of residents that are driving, four (4) additional parking stalls have been added. There are three (3) bicycle stalls provided near the staff entry, near where the addition joins the existing building.

The Economic Development Division estimates that, assuming these properties remain on the tax roll as they are now, the additional square footage created by this project can be expected to add over \$4 million to Madison's tax base plus any additional value created through the renovation. As noted in the letter of intent, the new facility will create an additional 40 jobs on top of the jobs at the existing facility.

Staff believes the project can be found to meet the applicable conditional use standards. The expansion of the existing assisted living facility is not anticipated to negatively impact the surrounding properties. Further, the design of the site and building is compatible with other nearby development in the surrounding Park Towne development, including office buildings accessed from Grand Teton Plaza which also feature relatively large building setbacks. Staff notes that while not a City approval, the Park Towne Architectural Review Committee approved the proposed project. At the time of report writing, staff was not aware of any concerns on this request from nearby property owners or tenants.

## **Recommendation and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed conditional use alterations at 413 & 429 South Yellowstone Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That the applicant provides a revised landscape plan for staff approval that clearly labels the location of all plantings shown on that drawing.

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

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

2. The pending Certified Survey Map for this property shall be completed and recorded with the Register of Deeds (ROD) prior to issuance of building permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
3. The existing base building address for this site will remain 413 S. Yellowstone Drive. The new building will have a base building address of 429 S. Yellowstone Drive.
4. The room numbering indicated on the site plan for the existing and proposed buildings do not conform to addressing standards. Submit a PDF of all floor plans to Lori Zenchenko ([Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
5. The property at 429 S. Yellowstone Drive is subject to the City's Sauk Point Sanitary Sewer Area Connection charge. The current rate is \$12.60/1000 SF.
6. The storm sewer running through this development shall be relocated. This will require a development agreement for the installation of the new sewer.
7. The pending CSM shall dedicate a new public storm sewer easement.
8. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)
9. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
10. 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. (POLICY)

11. 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)
12. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
13. 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.
14. 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:

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

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 a) Detain the 2 & 10-year storm events; b) Control 80% TSS (5 micron particle) off of new paved surfaces; c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; d) Provide oil & grease control from the first 1/2" of runoff from parking areas; and e) 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 sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building footprints; b) Internal walkway areas; c) Internal site parking areas; d) Lot lines and right-of-way lines; e) Street names; f) Stormwater Management Facilities; and g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
17. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc; and d) Sediment loading calculations

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))

18. 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. (POLICY)

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

19. The driveway approach shall have a 5 foot flare at the driveways making each driveway approach curb cut of forty (36) feet and should be revised on the plan. The commercial driveways have been revised from using a radius to a flare approach, contact City Traffic Engineering for detail.

20. Parking facilities shall be so arranged and marked to provide for orderly and safe parking and shall be so designed as to prevent encroachment onto adjacent land areas, parking facilities or street rights-of-way through use of a permanently installed continuous six-inch (6") minimum curbing, such as poured concrete or rolled asphalt curb (backfilled).

21. When the applicant shall submit plans 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 and proposed property lines, addresses, one contiguous plan (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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

22. 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.

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 Patrick Anderson, 266-5978)

24. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible 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.

25. Bike parking shall comply with City of Madison General Ordinances Section 28.11.

Provide three bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

26. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.

27. Parking lot plans with greater than twenty (20) stalls shall comply with City of Madison General Ordinances Section 28.04 (12). 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.)

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

28. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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

29. This property is not in a Wellhead Protection District. 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, and not need a copy of the approved plans.

**Parks Division** (Contact Kay Rutledge 266-4717)

30. It's important to ensure the runoff from the parking lot is properly contained and treated before entering the Oakwood Nature Sanctuary. The development area drains to a natural kettle pond on the Oakwood property. Provide more information on the rain garden area located in the rear of the lot to handle the stormwater coming off of the parking lot, including materials being used for infiltration and plant species. Confirm that the runoff from this rain garden will not impact the foot path located on the Oakwood property.

31. The developer has met with the Parks Conservation Manager regarding the preservation of trees on the site; tree protection should be used, consistent with the City's Standard Specifications for Public Works Contracts, to protect all trees identified to remain on the property (preservation of the large oak in the center of the east property line is critical).

32. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

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

This agency did not submit a response to this request.