

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of November 14, 2007**

RE: I.D. # 07738: Zoning Map Amendment I.D. 3320 & 3321, rezoning 639 Pleasant View Road from PUD-GDP-SIP to Amended PUD-GDP-SIP

1. Requested Actions: Approval of a request to rezone 639 Pleasant View Road from Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to Amended PUD-GDP-SIP to allow construction of a 124-unit apartment complex.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicant: Patrick McGowan, Brownhouse; 202 W. Gorham Street; Madison.

Property Owner: Churchill Crossing, LLC; 8500 Greenway Boulevard, Suite 200; Middleton.
2. Development Schedule: The applicants propose to begin construction in winter 2007, with completion in spring 2009.
3. Location: Approximately 5.1-acres generally located at the southeast corner of Pleasant View and Old Sauk roads; Aldermanic District 9; Middleton/ Cross Plains School District.
4. Existing Conditions: Undeveloped land, zoned (unrecorded) PUD-GDP-SIP.
5. Proposed Land Use: A four-building, 116-unit apartment development.
6. Surrounding Land Use and Zoning:
North: German Lutheran Church in the Town of Middleton;

South: Attic Angels Prairie Point residential development, zoned PUD-SIP;

East: Single-family residences along Shawn Trail, zoned R1 (Single-Family Residence District);

West: Alliant Energy substation and agricultural lands, zoned A (Agriculture District).

7. Adopted Land Use Plan: The Junction Neighborhood Development Plan recommends that the subject site be developed with medium- density residential uses with an approximate density of 16-25 units an acre.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the Planned Unit Development District standards.

PREVIOUS APPROVAL

On December 14, 2004, the Common Council approved a request to rezone the subject site from A (Agriculture District) to PUD-GDP-SIP and a demolition permit to allow demolition of a single-family residence on the property to allow construction of a 124-unit apartment project. The final materials for the 2004 project from approval have not been recorded and no building permits have been issued.

ANALYSIS, EVALUATION & CONCLUSION

The applicant is requesting approval of a major alteration to a previously approved general development plan and specific implementation plan for a 5.1-acre lot located at the southeast corner of Old Sauk and Pleasant View roads. The plans approved under the initial 2004 approval called for construction of 124 apartment units to be located in four two-story buildings. Of the 124 one-bedroom, two-bedroom and efficiency units proposed, 19 units would be affordable under the provisions of the inclusionary zoning provisions of the Zoning Ordinance. Parking for the project would be provided in 154 underground stalls and 36 surface stalls (190 total), with access to the project from Pleasant View Road.

Implementation of the project following the December 2004 approval has not proceeded. The property owner and original applicant for the development, Churchill Crossing, LLC, now wishes to convey the subject property to a new owner who would undertake implementation of the PUD. The current plans put forth for the apartment development are similar to the development plans approved in 2004, though the density of the current project is slightly reduced from the previously approved project. The project will now consist of two 28-unit buildings and two 30-unit buildings for 116 total units instead of two 30-unit and two 32-unit buildings for 124

units as previously approved. Parking for the project is also slightly reduced to 180 total spaces, with 144 of those spaces underground. The layout of the development is not substantially changed and continues to propose a one-story clubhouse for use by the development's tenants to be located at the center of the development between the two 30-unit buildings. A 26-foot wide drive aisle parallel to Pleasant View Road and connecting the two drive entrances remains but will be divided in front of the clubhouse by a fountain. The pool located behind (east) of the clubhouse remains but has been slightly reconfigured, with a small cabana and hot tub added. Exterior architecture and site landscaping for the development are generally the same between the two versions of the plans, though some minor alterations to the building materials are proposed with the current plans. The applicant has also added elevators to the two buildings that were not previously to be equipped with them.

The proposed apartment project neighbors the Frank Lloyd Wright-designed Jacobs II House to the west. When the project was initially presented in 2004, the Landmarks Commission provided an advisory recommendation to the Plan Commission indicating that the apartment development would not have an adverse impact on the local landmark. Planning Division staff does not feel that the minor revisions to the site plans proposed will have any impact on the Jacobs II House.

Inclusionary Zoning

At the time the original rezoning of the properties at 639 Pleasant View Road was submitted, the applicant filed an Inclusionary Dwelling Unit Plan (IDUP) indicating his intent to comply with the inclusionary zoning provisions of the Zoning Ordinance. The IDUP indicated that 13 of the units included within the planned unit development would be provided to families earning 60 percent of the area median income and 6 units of the units would be provided to families earning 50 percent of the AMI. The 19 units equaled the 15.3% of the project, slightly exceeding the 15% minimum required by ordinance. The 124-unit project was approved with a condition that a final IDUP be approved and recorded as part of the recording of the planned unit development.

The 124-unit project was granted a density bonus at the time it was approved. The density of the original project was about 24.3 units an acre based on the project occupying a total of 5.1 acres of land. The Junction Neighborhood Development Plan recommends this site for medium-density residential development at an approximate density of 16-25 units an acre. The base density for determining bonuses in medium-density projects is the midpoint of the density range, or 20.5 units an acre in this case, resulting in the 124-unit project receiving a 3.8 unit per acre bonus or approximately 19 bonus units.

However, the State Court of Appeals voided the rental component of the Inclusionary Zoning Ordinance in August 2006. It is the opinion of the City Attorney's Office, though, that the inclusionary zoning requirements continue to apply to any rental projects approved between the

effective date of the ordinance and the Court of Appeals decision unless the project is rezoned, which is the request before the Commission. The property owners are requesting this major alteration to the approved but unrecorded general development plan and specific implementation plan zoning for this site for the specific purpose of receiving relief from the rental inclusionary zoning requirements.

Regardless of whether the amendment to the general development plan gets approved, the revised final plans may still be approved as an alteration to the specific implementation plan only, which would permit the project to proceed so long as it complied with Inclusionary Zoning.

The Urban Design Commission has not reviewed the revised plans for this project at this time. The Planning Division, however, does not feel that the modifications to the plans proposed are significant enough to require an Urban Design Commission recommendation prior to Plan Commission and Common Council consideration. Instead, staff believes that UDC review of the minor physical alterations to the plan can occur prior to recording of the PUD if the Common Council approves the major alterations requested.

RECOMMENDATION

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment for 639 Pleasant View Road to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions below, either as an Amended PUD-GDP-SIP or Amended PUD-SIP only:

1. Comments from reviewing agencies.
2. That the applicants receive final approval of the amended planned unit development from the Urban Design Commission prior to submittal of the final plans for staff review and recording.