

## **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 improve 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 would 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.

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 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 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 design of the building or landscaping on the site. 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.

**PLANNING DIVISION REPORT**  
**DEPARTMENT OF PLANNING AND COMMUNITY**  
**AND ECONOMIC DEVELOPMENT**  
**November 24, 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 (9) 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

**GENERAL INFORMATION:**

1. Applicant and Property Owner: W.C. Development; 625 North Segoe Rd; Madison, WI  
Project Contact: Karyl Rice, Project Solutions, Inc. 625 North Segoe Rd; Madison, WI
2. Development Schedule: The applicant wishes to begin construction after all approvals are obtained, and complete it by June 2009.
3. Parcel Location: 8133 Mansion Hill is a 1.7-acre parcel generally located south of the intersection of Starr Grass Drive and Mansion Hill Avenue in Midtown Commons; Aldermanic District 1; Madison Metropolitan School District.
4. Existing Conditions: The site is currently undeveloped, and zoned PUD-GDP Planned Unit Development-General Development Plan).
5. Proposed Use: A new one-story daycare facility serving a maximum of 163 children.
6. Surrounding Land Use and Zoning: The parcel is surrounded on the north, west, and east sides by recently constructed multifamily residential buildings zoned PUD-SIP (Planned Unit Development-Specific Implementation Plan). 1.8-acre parcel to the south is the City of Madison owned Waldorf Park.
7. Adopted Land Use Plan: The Comprehensive Plan identifies this area as Neighborhood Mixed Use, where recommended land uses include but are not limited to commercial, residential, and mixed-use buildings. The High Point-Raymond Neighborhood Development Plan, adopted with amendments in December 2001, recommends institutional use for this property.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.
9. Public Utilities & Services: This area is served by a full range of urban services. The property will be served by water and sanitary sewer from the east, and storm sewer from the west.

### **STANDARDS FOR REVIEW:**

This application is subject to the zoning map amendment standards of the Zoning Ordinance, Section 28.12 (9). Section 28.07 (6) provides the requirements and framework for Planned Unit Development Districts.

### **PREVIOUS APPROVALS:**

On November 30, 1999, the Common Council approved the rezoning of 79.1 acres, including this property, from Agriculture to PUD-GDP. The associated zoning text specifies permitted uses for this lot, Lot 87 of the First Addition to Midtown Commons, to include governmental, educational, institutional, and religious uses allowed in the C2 zoning district (day care centers are permitted uses in the C2 zoning district).

On October 29 2008, the Urban Design Commission granted initial approval for the project. Final approval by the Urban Design Commission has not yet been granted.

### **PROJECT DESCRIPTION:**

The applicant is requesting approval for a rezoning from PUD-GDP (Planned Unit Development - General Development Plan) to PUD-SIP (Planned Unit Development-Specific Implementation Plan) in order to construct a daycare facility with a capacity for 163 children.

The subject site is 8133 Mansion Hill Avenue, located on the south side of the intersection of Starr Grass Drive and Mansion Hill Avenue in PUD-GDP district zoning. The applicant hopes to initiate construction when all approvals are received and complete it for occupancy in June 2009. The site is currently undeveloped, and has access from both Starr Grass Drive to the west and from Mansion Hill Avenue to the east.

#### *Building Description*

As proposed, the one-story building is a 10,650 square-foot wood-framed building with an asphalt roof. In response to feedback from the Urban Design Commission, the applicant has proposed exterior materials to include a stone base below 4" fiber cement board siding, with a stone cap accent band between them. The central portion of the building is capped with a clerestory including bands of windows on the north and east sides for additional day lighting of the interior space. The interior includes eight separate rooms for childcare ranging in size from 580 to 2,075 square feet, four small office spaces, an employee lounge, a central kitchen, laundry, and storage area, and 11 half bathrooms distributed throughout the building. Of the 10 proposed entrances to the building, the main entrance is in the northeast corner.

#### *Site Layout*

The triangular-shaped property is located in the middle of multifamily condominium buildings, two of which share primary access routes to the site. Access to the facility for vehicles, bicycles, and pedestrians is provided from Starr Grass Drive to the west and from Mansion Hill Avenue to the east, with two surface parking lots located north and east of the building. An additional access point for pedestrians is proposed in the form of a walkway along the western edge of the property that would allow students to access the northwest corner of Waldorf Park. The most recent submittal

proposed a total of 47 parking stalls for vehicles, including two fully accessible stalls, and three small landscaped islands with trees. Parking rows closest to the building would be reserved for parents, and stalls furthest from the building are designated for employees. Since the original submittal, sidewalks adjacent to the parking lot have been widened to seven feet in order to accommodate a two-foot area for vehicle overhang. Twenty bicycles can be accommodated in a proposed bicycle parking area just northwest of the building, which includes two deeper spaces for bicycles with attached trailers. The dumpster enclosure is located in the southeast portion of the parking lot.

In the site plan as proposed, a 9,350 square-foot play area wraps around the south half of the building, and is surrounded by a 4-foot black chain link fence. The grass covered play area includes six small fully accessible, concrete paved areas, as well as six small mulched areas.

The site slopes gently from south to north, and a bio-retention basin planned in the northern corner of the property is to be seeded with native hydrophilic plants. The parking lots would be well screened with the proposed landscaping for the site. In addition to eight canopy trees, three evergreens, and several shrubs located in and around the parking lot, four additional sugar maple trees are proposed along the south side of the property facing Waldorf Park.

### *Operations*

As proposed, the daycare facility will have a maximum of 25 staff and a capacity to serve up to 163 children. The facility will be open from 6 AM to 6 PM, with peak times for drop-off and pick-up occurring from 6 AM to 9 AM, 11 AM to 1 PM (for part-time students), and 3 PM to 6 PM. The operator claims that similar facilities rarely have more than 20 vehicles present for drop-off and pick-up cars at any one time. The outdoor play area will be open between 8 AM and 5 PM.

## **EVALUATION AND CONCLUSION:**

### *Consistency with Adopted Plans and Zoning*

Planning Division staff believes that the project as proposed can be found to be consistent with the High Point-Raymond Neighborhood Development Plan as amended in 2001, as well as the approved PUD-GDP zoning for the 79-acre First Addition to Midtown Commons, which recommend institutional and civic uses, respectively, for this particular lot. The Neighborhood Development Plan does not clearly list which uses may be considered to be "institutional". The Adopted PUD-GDP zoning for the lot designates Lot 87 for a Civic/Institutional (Type VIII) land use as follows:

*"Reserved for civic or institutional uses only. Those uses would include the governmental, educational, institutional, and religious uses allowed (permitted or conditional uses) in the C-2 zoning district or other uses defined herein."*

The PUD-GDP zoning text also defines Civic Uses as follows:

*"Premises used by organizations considered to support the common good. Institutional /civic uses include but are not limited to, educational, cultural, religious, public and not-for-profit organizations and Community Based Residential Facilities."*

After careful consideration, the Zoning Administrator has determined that a daycare facility can be considered to be in keeping with and allowed as a civic use as defined above. While not explicitly

included in the list above, daycare facilities, like the uses above, are often found in residential areas and are similar to others on the list. Staff believes that a daycare facility in this area can provide an important service for residents of Midtown Commons and this part of the city, and if carefully designed, can minimize negative impacts on adjacent properties. Along these lines, the applicant has shown a commitment to improve the site plan based on feedback from the Urban Design Commission, the Parks Division, and the concerns of neighbors (see discussion below).

#### *Site Design Issues*

Since the original submittal, the applicant has proposed several slight changes in response to concerns expressed at the October 15, 2008 and October 29, 2008 Urban Design Commission meetings. The vinyl exterior originally proposed for the building has been replaced with a higher quality stone base and fiber cement board siding. Signage originally proposed on the south side of the building facing the park has been removed. The amount of parking for bicycles has doubled, and vehicle parking has been reduced from 51 stalls to 47 stalls due to the incorporation of landscaped islands and the widening of eighteen stalls to 10 feet, to better accommodate drop-off and pick-up activity. Signage originally proposed on the south side of the building facing the park has been removed and replaced with signage proposed at the two entrances to the property. Many remaining design issues will likely be addressed by the Urban Design Commission, and staff recommends that the Plan Commission require that Final Approval be granted by the Urban Design Commission prior to a Common Council public hearing.

The applicant had originally proposed a regrading of the southern portion of the site and the northern portion of Waldorf Park to gradually slope to the south. However, as the Parks Division does not support grading of city property, the proposal includes a low retaining wall, ranging from 1 foot to 4 feet tall, along the southern border of the property, with at-grade access to the park provided via a walkway in the southwest corner.

For a daycare facility of this size, Planning Division staff believes that significant effort must be made to use design and landscaping to screen the property from adjacent residences. This may be accomplished by improved fencing and additional landscaping along the back and sides of the property. If the rezoning request is approved, the applicant should meet with staff from the Planning Division and Parks Division before submitting final landscape plans to clarify detailed plans for proposed retaining walls and incorporate detailed changes in the final set of plans to ensure that the facility is sufficiently screened from adjacent properties.

#### *Neighborhood Concerns*

Comments received by staff about the project included concerns about the size of the proposed daycare, suggesting that it may generate too much peak hour traffic for the driveways shared with condominium owners. One neighbor suggests that traffic generated by the facility may overwhelm the intersections of Midtown Road and Waldorf Boulevard and/or High Point Road and Starr Grass Drive- the likely points of entry for patrons coming from outside the neighborhood. Planning Division staff believes that of the range of institutional uses consistent with adopted plans for this site, a daycare facility would indeed be expected to generate a higher number of daily and peak hour vehicle trips than other uses. However, staff has seen no evidence to suggest that this facility would generate enough traffic to challenge the capacity or efficiency of the driveways or nearby intersections. It is important to note as well that there are roughly 700 housing units within a quarter mile of the proposed facility. Although most children would likely be dropped off and picked up in vehicles as part of an employment-related commute, a percentage of the expected



vehicle trips *could* be replaced by parents choosing to walk or bicycle to the facility from surrounding properties. Thus, adequate pedestrian and bicycle infrastructure on and around the site are very important.

Comments received by staff also include concerns about the retaining wall located just east of the proposed parking lot on the east side of the building. Specifically, condominium residents on this lot are concerned that the weight of the proposed parking lot and associated vehicles may cause the retaining wall to fail, and are also concerned about safety hazards for patrons of the proposed facility. Neighbors have also expressed concerns about the ability to maintain access to their condominium homes during construction. Further, some neighbors do not agree that signage for the daycare facility should be placed within the easement, and suggested it be placed on the property line of Lot 87 instead. Finally, some neighbors have expressed concerns about unknown future uses in case the proposed business fails during or after construction. This concern is not likely one that can be addressed by the Plan Commission, although it is worth pointing out that if approved, the PUD-SIP zoning for the site would preclude future uses other than a daycare facility and other uses allowed in the GDP in the absence of a future rezoning request and associated public process.

The applicant has indicated their willingness to ensure through contract language that any damage caused to retaining walls during construction or due to the parking lot will be remedied, and that access will be maintained for condominium owners throughout the construction process. At the time of this writing, staff understands that the applicant is attempting to hold a November 25, 2008 meeting with adjacent condominium owners to discuss and respond to their concerns. Staff believes that the discussion at that meeting may shape significantly the December 1, 2008 public hearing related to request.

### **RECOMMENDATION:**

The Planning Division recommends that if the Plan Commission finds that the standards for approval are not met, they could choose to **refer** the decision to the December 15, 2008 or January 12, 2009 Plan Commission meeting to allow more time for the applicant to work with nearby condominium owners to address valid concerns about the project.

Alternatively, 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 ways to enhance the fence, retaining wall, and landscaping to sufficiently screen the play area from adjacent properties.
3. Final landscape plans submitted for staff approval must incorporate clarification on the design of retaining walls and increased screening as agreed upon in a meeting between the applicant and staff from the Parks Division and Planning Division.

4. Final plans submitted for approval by Planning Division staff must include an elevation of the trash enclosure, which should be constructed to match materials on the building.
5. That access to shared driveways must remain open for residents of buildings on adjacent properties throughout the duration of the construction process.
6. That the contract for construction of the facility clearly assumes liability for repairing any damage to adjacent properties that occurs during the construction process or due to disturbance from the proposed parking lot.

## AGENDA # 5

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION

**PRESENTED:** October 29, 2008

**TITLE:** 8133 Mansion Hill Avenue — Amended  
PUD(GDP-SIP) for a Nursery  
School/Daycare. 1<sup>st</sup> Ald. Dist. (05667)

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

**AUTHOR:** Alan J. Martin, Secretary

**ADOPTED:**

**POF:**

**DATED:** October 29, 2008

**ID NUMBER:**

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Members present were: Lou Host-Jablonski, Chair; Ron Luskin, Jay Ferm, Bruce Woods, John Harrington, Richard Slayton, Todd Barnett and Dawn Weber.

### SUMMARY:

At its meeting of October 30, 2008, the Urban Design Commission **GRANTED INITIAL APPROVAL** of an Amended PUD(GDP-SIP) located at 8133 Mansion Hill Avenue. Appearing on behalf of the project were Steve Rice, representing Lot 87, LLC; Karyl Rice and Phil Carlson. In response to the Commission's previous review of the project the modified plans as presented featured the following:

- An overall increase in the landscape points count with the addition of two tree islands, combined with the elimination of two surface parking stalls and additional plantings within the playground area.
- Access to the adjacent City park has been provided off of the building's southeast corner.
- Previous building signage proposal has been withdrawn with signage to be considered as a separate component in the future.
- A bioretention basin has been provided on the north side of the site from a provision of a specified planting list.
- A request to consider forty-five degree angled parking could not be addressed since it would require recirculation across the site to the street and back and diminish the desired number of surface parking stalls on the site.
- The parking lot layout has been modified to eliminate conflicts with parking and drop-off by dedicating specific areas to parking for employees, nurses and clients.
- The curbing adjacent to walks at the head of surface parking stalls has been modified to provide for the overhang of parked vehicles with the additional width of 7-foot wide walks to accommodate vehicular overhangs.
- Provides for sixteen bicycle stalls.
- Additional windows have been added in some classrooms to provide for additional cross ventilation on the building's interior, with some windows relocated to corners for cross ventilation.
- Proposed use of vinyl siding has been eliminated in favor of cementitious siding.
- A 10' x 12' area has been added for handicapped accessible use outside of each classroom.
- Siding along the back is now also cementitious siding.

Following the presentation the Commission noted the following:

- Still need to reduce 18' length surface parking stalls to 16' in all cases or as much as allowed by the Traffic Engineer to enhance adjacent greenspace.
- Not clear that slope is integrated into backside of playground in lieu of the proposed retaining wall with play amenities; needs further work.
- On tree islands, need 75% vegetative cover addressed as required by ordinance.
- Move turf around walkway at drive to east and widen with pavers; if plantings are proposed a minimum of 2-feet in width is required.
- Adjust bike parking to accommodate 1-2 bike/trailer combinations.

**ACTION:**

On a motion by Ferm, seconded by Luskin, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a vote of (8-0). The motion required clarification of the above stated issues with final consideration of the project.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 5, 5, 5, 6, 6 and 6.5.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 8133 Mansion Hill Avenue

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	5	6	5	-	-	6	6	6
	6	6	6	6	-	6	5	6
	5	6	5	-	-	5	5	5
	-	5	5	-	-	-	-	5
	6	5	5	-	-	5	-	5
	-	-	-	-	-	-	-	6.5

General Comments:

- Good improvements to site circulation. Look at classroom F entry, ADA clear floor space at full. Infant entry may be too close to entry, could be congested with strollers/car seats, etc.
- Adequate.
- Real improvements from previously. Designers need, however, to engage even more specifically with the site details.

## AGENDA # 11

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION

**PRESENTED:** October 15, 2008

**TITLE:** 8133 Mansion Hill Avenue – Amended  
PUD(GDP-SIP) for a Nursery  
School/Daycare. 1<sup>st</sup> Ald. Dist. (05667)

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

**AUTHOR:** Alan J. Martin, Secretary

**ADOPTED:**

**POF:**

**DATED:** October 15, 2008

**ID NUMBER:**

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Members present were: Lou Host-Jablonski, Chair; Bruce Woods, Jay Ferm, Ron Luskin, Marsha Rummel, Dawn Weber, Richard Slayton and Richard Wagner.

### SUMMARY:

At its meeting of October 15, 2008, the Urban Design Commission **REFERRED** consideration of a PUD(GDP-SIP) located at 8133 Mansion Hill Avenue. Appearing on behalf of the project was Steve Rice and Karyl Rice. Prior to the presentation staff noted that a previous version of the project featured the development of a daycare center in conjunction with a proposed coffee house on a site that was originally master planned as a community-oriented use or open space. This previous proposal for the site was never finalized. Rice and Rice then presented details of the development of a daycare facility adjacent to multi-family development and a City park around the perimeter of the property. Following the presentation the Commission noted the following:

- Need to find plans that deal with on-site retention and drainage, including plantings.
- The request for signage on the upper elevation clearstory element facing the park is problematic.
- Plan turns back on space, should be an organizing element regarding relationship with park and adjoining properties as seen within the original neighborhood plan for the area.
- Issue with how well traffic pattern will work to accommodate pedestrian movement and vehicular movement on the site.
- Question the need for 51 parking stalls; seems like a lot of parking.
- The project is not what we can approve. The project should address previous issues with the earlier version of the project proposed in February of 2007.
- Walkway off of the building's northwest corner; reduce conflicts.
- Cars overhang the 5-foot interior walkways; need wheel stops or widen walks.
- Need to exceed the landscape points requirement, need more trees around playground and parking lot.
- Retention versus infiltration, landscape species list needs to be provided with use of natural species.
- Consider rotating building 90 degrees so entrance aligns with view of park, maintain visual connection.
- Provide floor plans with further consideration of the project.
- No line of parking shall exceed 12 stalls without a tree island.
- Bark mulch in play area not always sanitary, also issues with accessibility with children in wheelchairs
- Look at alternative to vinyl siding.

- Provide plan of adjacent park, adjoining properties with further review of the project, including dealing with appropriate linkages.
- Utilize slope condition to accommodate utility use in playground area.
- Eliminate vinyl siding adjacent to playground in favor of the use of durable materials.
- Building lacks adequate windows in classrooms; lacks opportunity for cross ventilation.

**ACTION:**

On a motion by Wagner, seconded by Woods, the Urban Design Commission **REFERRED** consideration of this project. The motion was passed on a vote of (7-0-1) with Rummel abstaining. The motion required address of the above stated comments.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 4, 5, 5 and 6.



Department of Public Works  
**City Engineering Division**

608 266 4751

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**Facilities & Sustainability**  
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**Operations Manager**  
Kathleen M. Cryan

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: November 17, 2008

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 8133 Mansion Hill Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

**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.)

1. Proposed plan 'shares' a private storm with Lot 89. Prior to approval, provide agreement for ownership and maintenance.
2. Proposed plan shows a 3" inch orifice to drain the retention area. This will plug continually. Revise design for a non-clogging outlet.
3. Prior to approval, the owner shall pay Impact Fees for the Upper Badger Mill Creek Stormwater Improvement Impact Fee District. The 2008 rate is \$61.3765/1000sf.
4. Proposed 8" sanitary sewer lateral not shown connecting to the existing sanitary lateral. If bends are needed to make this connection, either a manhole or a cleanout structure will be required in accordance with Wisconsin Plumbing code.

**GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Planned Community Developments, Planned Unit Developments  
and Conditional Use Applications.**

Name: 8133 Mansion Hill Rezoning

**General**

- ☐ 1.1 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.
- ☐ 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- ☐ 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions,

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demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

- ☐ 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- ☐ 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- ☐ 1.6 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.
- ☐ 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- ☐ 1.8 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:
- 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
  - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall receive the invoices to pay the outstanding impact fees at the time of permit issuance. The following shall be required prior to plat sign off;
    - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
    - b) All information shall transmitted to Janet Dailey by e-mail at [jdailey@cityofmadison.com](mailto:jdailey@cityofmadison.com), or on a CD to:  
  
Janet Dailey  
City of Madison Engineering Division  
210 Martin Luther King Jr. Blvd  
Room 115  
Madison, WI 53703
    - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

**LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.**

#### Right of Way / Easements

- ☐ 2.1 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- ☐ 2.2 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- ☐ 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping \_\_\_\_\_ feet wide along \_\_\_\_\_.
- ☐ 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- ☐ 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement \_\_\_\_\_ feet wide from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

- ☐ 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
  - No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
  - The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- ☐ 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
  - No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
  - The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- ☐ 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
  - No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.  
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- ☐ 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
  - No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
  - The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

#### Streets and Sidewalks

- ☐ 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.

- ☐ 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along \_\_\_\_\_.
- ☐ 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along \_\_\_\_\_. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- ☐ 3.5 The Applicant shall grade the property line along \_\_\_\_\_ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- ☐ 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 3.8 The Applicant shall make improvements to \_\_\_\_\_ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) \_\_\_\_\_.
- ☐ 3.9 The Applicant shall make improvements to \_\_\_\_\_. The improvements shall consist of \_\_\_\_\_.
- ☐ 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- ☐ 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- ☐ 3.12 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.
- ☐ 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- ☐ 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- ☐ 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- ☒ 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- ☐ 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- ☐ 3.18. 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.

#### Storm Water Management

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- ☐ 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- ☐ 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- ☐ 4.3 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.
- ☐ 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- ☒ 4.5 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.
- ☐ 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- ☐ 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- ☒ 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- ☒ 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
  - ☐ Detain the 2 & 10-year storm events.
  - ☐ Detain the 2, 10, & 100-year storm events.
  - ☐ Control 40% TSS (20 micron particle) off of new paved surfaces
  - ☐ Control 80% TSS (5 micron particle) off of new paved surfaces
  - ☒ Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
  - ☒ Provide substantial thermal control.
  - ☒ Provide oil & grease control from the first 1/2" of runoff from parking areas.
  - ☒ 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.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- ☐ 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- ☐ 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- ☒ 4.12 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 [izenchenko@cityofmadison.com](mailto:izenchenko@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.

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- ☐ 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- ☒ 4.14 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.

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).

- ☒ 4.15 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...
- 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.

- ☐ 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

#### Utilities General

- ☐ 5.1 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- ☒ 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- ☐ 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

#### Sanitary Sewer

- ☐ 6.1 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- ☐ 6.2 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.
- ☐ 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- ☐ 6.4 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.

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## Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608 266 4761  
TTY 866-704-2315  
FAX 608 267 1158

March 26, 2007

Revised November 20, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **8133 Mansion Hill Avenue – Rezoning - PUD (GDP) to PUD (SIP) – Daycare Center**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

**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.)

1. The applicant shall provide scaled drawing at 1" = 20' or larger on one contiguous plan sheet showing all the facility's access for 8117 & 8133 Mansion Hill Av. and 2805, 8291 and 8233 Starr Grass Drive, existing and proposed buildings, layouts of parking lots, loading areas, trees, signs, and vehicle movements, and approaches. The applicant shall dimensions proposed and existing aisles, driveways, and stalls including the two (2) feet overhang according to approval and M.G.O.

### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. The applicant shall install sidewalk from Starr Grass Drive to Mansion Hill Avenue.
3. The applicant shall relocate the proposed crossing of the parking lot to accommodate for loading area not to end the crosswalk in a parking space. In addition, the applicant shall install ramps and crosswalks for the sidewalk connection between Starr Grass Drive and Mansion Hill Avenue.
4. The applicant shall indicate the type of bicycle racks to be installed.

### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

5. When the applicant submits final plans for 8117, and 8133 Mansion Hill Ave., 8291, 8233, and 8205 Starr Grass Dr. 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), 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'.
6. The Day-Care Center shall provide a minimum of one (1) loading and unloading stall for every twenty (20) children in the facility and each stall shall be signed "Loading & Unloading Only Fifteen (15) min. Limit." The applicant shall note on the site plan the required number of children and loading stalls required on the plan.
7. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway 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.
8. The applicant shall design the surface parking areas for drop off area and parking stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The applicant shall show the dimensions of all existing and proposed parking and drop off stalls according to M.G.O. (if the drop off parking as show is for daycare loading and unloading, 0 degree parking requirements for drop off area, the applicant shall use the 9 ft stalls items according to M.G.O.)
9. 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 turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime."
10. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Karyl Rice

Fax:

Email: rice@mailbag.com

DCD: DJM: dm



**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** December 10, 2008

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

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**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**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
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

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
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**

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**From:** Tucker, Matthew  
**Sent:** Monday, November 24, 2008 3:19 PM  
**To:** Stouder, Heather  
**Cc:** Parks, Timothy  
**Subject:** "Civic Uses" as described in Midtown Commons GDP, 8133 Mansion Hill

Heather- From my read, when the developer attempted to define "civic uses", they considered land uses that are non-residential in nature, but commonly listed as permitted or conditional uses in the City's residential Zoning Districts. I would say that a day care use would be consistent with this interpretation.

## **Matt Tucker**

### **Zoning Administrator**

### **Department of Planning and Community and Economic Development**

### **Neighborhood Preservation and Inspection Division**

215 Martin Luther King, Jr. Blvd.

PO Box 2984

Madison, WI 53701-2984

608/266-4569 PH

[mtucker@cityofmadison.com](mailto:mtucker@cityofmadison.com)

<http://www.cityofmadison.com>

**Stouder, Heather**

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**From:** Widstrand, Si  
**Sent:** Thursday, November 20, 2008 1:51 PM  
**To:** Stouder, Heather  
**Cc:** 'Dave Glusick'  
**Subject:** 8133 Mansion Hill Avenue

The Parks Division supports the proposed walkway along the west edge of the proposed development that would allow daycare students to access the northwest corner of the park.

The Parks Division supports a fence along the property line, with a wall on the daycare property, and does not support grading a slope into the park. There is a proposed play slope southeast of the daycare building that can be included in their fenced playground area.

Parks Division is aware of utilities running through the park outside of the existing easement and is requesting that the utilities relocate these to an easement along the property line.

-Simon Widstrand, Parks Development Manager 266-4714

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**Stouder, Heather**

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**From:** Firchow, Kevin  
**Sent:** Thursday, November 20, 2008 4:54 PM  
**To:** Stouder, Heather  
**Subject:** FW: 8133 Mansion Hill Ave

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**From:** Gretchen Baehr [mailto:gmbaehr@hotmail.com]  
**Sent:** Thursday, November 20, 2008 4:53 PM  
**To:** Firchow, Kevin; Martin, Al; Planning  
**Subject:** 8133 Mansion Hill Ave

I would like some issues be addressed/discussed at the Planning Commission Meeting on 12/1/08 regarding the plans for the building at 8133 Mansion Hill Ave, Madison, Wisconsin. I live at 8127 Mansion Hill Ave (Lot 88) and the Mansion Park Condominium Assoc. has a Driveway Easement (Dane County Register of Deeds Document #3573542) with the 8133 Mansion Hill Ave (Lot 87) property. Attached to this Driveway Easement document is a document that lists "The parties acknowledge that this Easement is based upon the following:"

Below are the issues that should be discussed:

- 1) Consideration of this Easement (Lot 88) and the planning for the building on Lot 87.
- 2) Access to our driveway/garages on Lot 88.
- 3) Protection for Lot 88 against all loss, costs (including reasonable attorney fees), injury, death, or damage to persons or property on easement property during building and after completion of property on Lot 87 including driveway access to property on Lot 87.
- 4) Protection for Lot 88 against all loss, costs (including reasonable attorney fees), injury, death, or damage to persons or property on Lot 88's retaining rock wall at the back of Lot 88's property and any and all shared property lines between Lot 88 and Lot 87.
- 5) Consideration of landscaping/drainage between all shared property lines between Lot 88 and Lot 87.

Thank You,

Gretchen Baehr  
8127 Mansion Hill Ave  
Madison WI 52719  
608-848-5955  
gbaehr@hotmail.com

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**Stouder, Heather**

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**From:** Firchow, Kevin  
**Sent:** Thursday, November 20, 2008 8:26 AM  
**To:** Stouder, Heather  
**Subject:** FW: 8133 Mansion Hill Avenue (Updated copy--please disregard the earlier copy)

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**From:** Cheri Awtrey [mailto:cawt29@yahoo.com]  
**Sent:** Wednesday, November 19, 2008 8:25 PM  
**To:** Firchow, Kevin  
**Subject:** 8133 Mansion Hill Avenue (Updated copy--please disregard the earlier copy)

Greetings!

As a resident of an existing home on Mansion Hill Avenue - specifically, 8123 Mansion Hill Ave. - I am writing to express concern about the proposed daycare project being planned for the address of 8133 Mansion Hill Avenue. The first concern that I have about the project concerns the current economic climate. This daycare center appears to be extremely large. With over 50 parking stalls, the facility seems designed to service a very large number of children. Given that a quick Internet search from my home computer yields a list of 29 daycare centers within 5 miles of this location, the need for such an extravagant facility is questionable. Further, in the event that the economic crisis adversely affects the party building the facility, who will assume responsibility for the property to ensure that it will not be abandoned? With regard to the quality of the neighborhood, I would ask if the need for traffic lights has been addressed. In the event that many parents start coming into this neighborhood to drop off their children, all of the traffic will need to enter and exit on High Point Road and/or Midtown Road. During peak traffic times, it is currently very difficult to enter and exit the neighborhood safely through these primary entrance and exit points. Adding more vehicles to the mix seems to promise more traffic headaches and danger to those who live here. Is the city prepared to install the traffic lights needed to improve the flow of traffic? Will these roads be modified and widened to accommodate the added traffic flow?

As I look at the plans, I notice more items that cause concern. The first is the location of the parking lot. Apparently, this is intended to be placed at the top of the retaining wall at the back of our property. Given the rate at which this wall has been settling for the past several years, the idea of constructing on that land and parking cars on it seems unwise. The wall and the parking lot are likely to collapse with this additional weight. I see nothing in the currently published plans that indicate any intention of shoring up this wall in order to maintain safety for our property and the vehicles and persons which may be present on it.

Additionally, the plans call for using our driveway for accessing the center. We know that we share this easement, however, the plans appear to suggest that our easement will be temporarily destroyed. We have grave concerns regarding this since several of

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our residents - including my roommate - are healthcare workers who are often on call. What assurance do we have that we will have ongoing access to our driveway during the construction process?

Further, we had been told when we purchased our unit that the property was zoned for public use. We were also informed that this meant a park or library. Clearly, a daycare fits neither description. We never believed that we would share our driveway with a commercial enterprise.

The signs that were posted about this re-zoning request were posted in such a way as to prevent many in the neighborhood from even knowing that a request was being made. Only the two facilities whose driveways would be affected have been really notified. While this may adhere to the letter of the law, I would guess that a wider hearing might produce even more objections. I would respectfully ask that this change in zoning be denied in order to preserve the neighborhood integrity as a residential/semi-rural area. The facility is not needed. The area roads are not designed to handle the traffic increase. And, to be honest, we do not wish to share our driveway with a commercial venture. Thank for taking the time to address these concerns.

Thank you,

Cheryl Awtrey  
8123 Mansion Hill Avenue  
Madison, WI 53719

Home: 608/848-4931  
Cell: 608/206-6091



**Stouder, Heather**

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**From:** Firchow, Kevin  
**Sent:** Tuesday, November 18, 2008 1:51 PM  
**To:** 'Eric Mitchell'  
**Cc:** Stouder, Heather; Martin, Al; Fruhling, William; Murphy, Brad  
**Subject:** RE: Comments on the proposed zoning change of lot 87 in Midtown Commons

Thank you for submitting comments. Staff will forward these to the Plan Commission in advance of the December 1st meeting / public hearing. Please call should you have other questions.

**Kevin Firchow, AICP**

Planner, Planning Division

City of Madison Department of Planning &  
Community and Economic Development

608.267.1150 (p)  
608.267.8739 (f)

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Madison Municipal Building Suite LL-100  
215 Martin Luther King, Jr. Blvd.  
PO Box 2985  
Madison, Wisconsin 53701-2985

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**From:** Eric Mitchell [mailto:mitchell670@yahoo.com]  
**Sent:** Tuesday, November 18, 2008 1:32 PM  
**To:** Firchow, Kevin; Martin, Al; Fruhling, William  
**Subject:** Comments on the proposed zoning change of lot 87 in Midtown Commons

Dear Planning and Zoning Committee,

We understand that you are currently taking public comments on a rezoning request for 8133 Manson Hill, lot 87 of Midtown commons. We live in the condo directly next to the easement agreed upon between the previous owners of lot 87 and lot 88 (Mansion Park Condominiums). We have a number of concerns about the proposed zoning change and the plans on file for the proposed future use of lot 87.

Our first concern is with the size of the planned project. From the proposal documents the planned facility will serve 163 children and 20 plus staff members. A facility of this size seems too large for lot 87 and our residential neighborhood. Our driveway would see a large number of vehicles at peak times of the day. Such added traffic in our neighborhood will be dangerous, loud, and disruptive; especially at the beginning and end of each day when the neighborhood is already at its most active. This makes even less sense when there are open lots within our neighborhood (blocks away) with direct and easy access to Midtown road or M that could easily handle this traffic and a facility this size.

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We are also concerned by the proposed placement of a parking lot adjacent to the retaining wall along our driveway. Our concern is with the integrity of the wall and with the safety of our families and any patrons of the proposed business. The added weight of the parking lot and cars could damage the wall. Concerning safety, what provisions would be made for repairing damages incurred on the wall and who would be responsible for protecting customer of a business on lot 87 from the top edge?

The proposed usage of the easement for signage of the proposed business is also of concern for us. The original owners of lot 87 and lot 88 have an agreement that the easement, the 50' by 57' piece of land next to lot 88, is to be used for shared driveway access and mailboxes. The proposal for lot 87 includes a large sign along Mansion Hill Avenue within the easement. Such a sign would encroach on our residential location and will cause confusion about our building. We ask that the easement agreement be respected and the proposed sign moved back to the property line of lot 87.

Lastly, given the current economic situation it is possible that this business will not last. We are concerned about what may happen to the property if the proposed business is unable to finish construction or goes out of business. Will the land and zoning be open to any type of business? Who will restore the land or maintain the property?

Thank you very much.

- Eric and Michelle Mitchell

**Stouder, Heather**

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**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**

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**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](mailto:mlkropp@chorus.net)>  
**Date:** Tue, Dec 9, 2008 at 11:34 AM  
**Subject:** Fw:  
**To:** LouAnn Karter <[lakarter@gmail.com](mailto: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

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.

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**Stouder, Heather**

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**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

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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 are 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 to 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 of 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 its 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

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**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





December 10, 2008

## **Summary of Issues Related to Development of Lot 87, 8133 Mansion Hill Avenue, Midtown Commons**

### **1. Land Use-**

- a. The use of Lot 87 for a Daycare is entirely consistent with the original PUD-GDP passed in 2000. It was designated then as a civic/institutional use to include appropriate uses under C-2 zoning. A daycare fits this definition (as would a museum, post office, religious, non-profit, fire or police station, etc.) The language in the zoning text specifically states *educational* use.
- b. A Daycare is one of the most compatible uses to be located near residential of all the allowable uses under current zoning. It operates during normal workday hours, Monday through Friday, not at night nor on the weekends. Noise is that of children playing (like you would expect in and around a park) versus trucks, and sirens. Parking requirements and traffic congestion are minimal.
- c. One of the central principles of compact, sustainable development is providing the maximum diversity of land-uses within walking distance, which is typically a quarter to half mile radius. There are no other daycare operations within a half mile radius.
- d. A quick calculation of the 800+ dwelling units within a quarter mile radius estimating 0.2 children per dwelling unit would suggest 160 children present within walking distance of the daycare. Add to that others who might find it convenient when commuting to and from Madison and others who will work in the neighborhood and it seems there will be an adequate balance between supply and demand to support the proposed facility.
- e. Suggestions of “other parcels available” are off base. The only other undeveloped parcels are zoned for mixed use and retail/office/commercial. These parcels are and have been zoned to become the neighborhood center and are not zoned for civic uses, yet would help support and be supported by the proposed use for lot 87 as a daycare. They are also not adjacent to a park which provides a great amenity for the daycare.
- f. The final plat and revised GDP are “fresh.” The final plat and amended GDP was just recorded this year and approved last year. There was also a different application for a day care on lot 87 about a year ago which received initial approval (including an accessory retail use as a coffee shop). That application was withdrawn due to non-zoning related issues.

### **2. Easement issues-**

- a. There are joint driveway easements (recorded document #3459309) and agreements that dictate who pays for improvements and maintenance, and what is allowed in the easement. To summarize:
  - i. The first party to construct a driveway does so at its own expense and pays for all maintenance until the second party improves its lot.
  - ii. When the other party(ies) commences construction it shall reimburse the first party its share of the initial costs of construction paid for by the first party for that section within the easement.
  - iii. In this case, the second party (we) agrees to assume all “new” construction costs, and maintain access for the first party.

- iv. Ongoing maintenance is assigned to specific properties, unless agreed upon differently, and such costs are shared pro-rata. We offer to accept this responsibility for ongoing maintenance.
- v. There is no provision for use of the easement for anything but a driveway on our property. By the language of the easement neither mailboxes nor signs are prohibited, but nor are they allowed. We would expect to legally be able to place signage on our own property (directional signage will very likely be required by the Fire Department). The same cannot be said for other parties' rights to place their private personal property or fixtures on our property. We propose to move the mailboxes to a mutually agreeable safer location at our expense as shown on the site plan.
- vi. All parties are required to provide insurance and to indemnify all other parties at all times. We will be fully insured for liability from day one and forevermore and be carrying Builder's Risk insurance during the construction phase.

**3. Traffic and safety-**

- a. Despite resident concerns the street system is designed to accommodate this type of traffic from this location.
- b. City of Madison Traffic engineering has stated that traffic capacity is adequate.
- c. The owner expects very few instances where there will be more than 20 people dropping off or picking up kids at any given time. This is based on his experience with a similar daycare operation he runs in Lake Mills, WI.
- d. Locating a Daycare in mid-block reduces the likelihood that any children might wander into the public roadway, thus reducing the likelihood of a traffic accident.
- e. We have asked to allow the curbs at the entrances to be painted yellow per City standards to prohibit onstreet parking to allow adequate visibility for ingress and egress.

**4. The neighbors retaining wall and safety issues-**

- a. The neighbors to the east are concerned that their retaining wall is already eroding and they are concerned about activity and improvements on lot 87 exacerbating these problems.
- b. It is obvious to us that any damage we (or any party hired or associated with us) cause to any other party is our responsibility to cure. That is what insurance is for. Further, there are laws that protect any property owner from damage caused by others.
- c. While we commiserate with them for having a poorly constructed retaining wall, we should not be made liable for their negligence or the negligence of their retaining wall contractor.
- d. Our parking lot retaining wall is offset 16 feet from the shared property line, and is not nearly as deep as theirs, which is adequate to ensure that we will not damage their property. We would offer to cut the grade down between properties, thus reducing the height of their retaining wall by up to about 3 to 6 feet? We also offer to construct a fence along the property line to help ensure that no unattended children wander over and fall off the retaining wall into their parking area and have proposed additional buffer plantings.

Please let me know if you have any questions,

Peter W. Frautschi- President  
Community By Design, Inc.  
W.C. Development Corp.  
625 North Segoe Rd.#101  
Madison, WI 53705  
608-310-8133 office