



Report to the Plan Commission

December 14, 2009

Legistar I.D. #16828
4829 Anniversary Lane
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the construction of an 8-unit apartment building in the C2 (General Commercial) District.

Applicable Regulations & Standards: Section 28.12(11) provides the standards for the approval of conditional uses. Per Section 28.09(2)(d)3, buildings with five (5) or more residential units are a conditional use in the C2 District.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant: Goodwill Industries of South Central Wisconsin, Inc.; 1301 Mendota St.; Madison

Contact: Randy Bruce; Knothe and Bruce Architects; 7601 University Ave. Suite 201; Middleton

Property Owner: UW Foundation; 1848 University Ave.; Madison

Proposal: The applicant is seeking a conditional use permit for the construction of an 8-unit apartment building on a vacant parcel in the C2 (General Commercial) District.

Parcel Location: 4829 Anniversary Lane is located on the south side of Anniversary Lane, between Forest Run Road and the East Washington Avenue Frontage Road; Aldermanic District 17 (Clausius); Madison Metropolitan School District.

Existing Conditions: The existing 49,020 square foot (1.1-acre) parcel is a vacant, narrow, deep lot located between a hotel to the southeast and a group of two-unit residential buildings to the west.

Surrounding Land Use and Zoning:

North: Across Forest Run Road and extending west of Forest Run Road, Forest Run Apartments, a 188-unit apartment complex zoned PUD-SIP (Planned Unit Development – Specific Implementation Plan). To the northeast, the Residence Inn Hotel in the C2 (General Commercial) District.

South & East: Comfort Inn Hotel and a small convenience store with fuel sales in the C2 (General Commercial) District.

West: Anniversary Court Condominiums, a group of seven 2-unit condominiums grouped around Anniversary Court in the R3 (Single and Two-Family Residence) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends General Commercial use for this property, which includes some residential uses. There is no adopted neighborhood plan for this area.

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

Public Utilities and Services: This property is served by a full range of urban services, including Metro Transit Route 6.

Zoning Summary:

Requirements	Required	Proposed
Lot Area	8,300 sq. ft.	49,010 sq. ft.
Lot Width	50'	110'
Usable Open Space	1,440 sq. ft.	adequate
Front Yard	20'	20.5'
Side Yards	Min. 5', Total 12'	13' L/S, 34' R/S
Rear Yard	30' or 55% of building height	adequate
Floor Area Ratio	N/A	N/A
Building Height	Max. 3 stories	1 story

Site Design

No. Parking stalls	8	4 (see Condition No. 17, p.6)
Accessible stalls	1	1 (see Condition No. 16, p.6)
Loading	N/A	N/A
Number Bike Parking stalls	8	8 (see Condition No. 15, p.6)
Landscaping	Yes	
Lighting	Yes	(see Condition No. 18, p.6)

Other Critical Zoning Items

Urban Design	Yes, but not applicable for residential development with ≤ 8 units
Flood Plain	No
Utility Easements	Yes
Adjacent to Park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Description of Proposal

Existing Conditions

The 1.2-acre property, zoned C2 (General Commercial District) is currently undeveloped, with a few scattered trees and a steep downward slope on its southern portion. The lot is situated between duplex condominiums to the west and virtually hidden from East Washington Avenue by a 4-story hotel directly to the southeast. The long, narrow lot currently has chain link fences on both sides, and no other improvements.

Site and Building Plans

The proposed one-story, 6,100 square foot apartment building is located in the eastern portion of the lot close to Anniversary Lane. Site plans include a new access driveway from Anniversary Lane in the northern portion of the site, a small surface parking lot for four automobiles and eight bicycles, and a small patio behind the building for use by the residents. The trash

enclosure at the rear of the building would contain City of Madison trash receptacles for use by the residents.

The site plan includes a proposed 15-foot wide pedestrian easement running north to south near the rear of the property. Two of the ten existing trees on the site are proposed for removal in the vicinity of the building and parking lot. The landscape plan includes two new maple trees, one in front and one behind the building, and a variety of deciduous and coniferous shrubs.

The floor plan includes seven identical one-bedroom units, one two-bedroom unit in the rear of the building, common laundry and storage spaces, and a small community room adjacent to the entrance, with an exterior wrap-around porch.

Exterior materials include a stone veneer base on the northeast and northwest sides of the building, vinyl or composite siding and shakes, composite trim, and asphalt shingles.

Evaluation and Conclusion

Public Input

Planning Division staff attended two neighborhood meetings prior to the submittal of the application, where some questions and concerns related to the type of residential development proposed were raised by attendees and thoroughly addressed by Goodwill Industries staff. With regard to site and building design, adjacent neighbors expressed a preference for a one-story structure and screening along the shared property line. Others expressed concerns that the amount of parking proposed was inadequate, stressing that they did not want to see additional on-street parking in this area due to inadequate on-site parking.

The District Alder supports the proposal, and there is no known opposition related to the physical site and building design at this time.

Evaluation

Land Use- The Comprehensive Plan recommends General Commercial uses for this site, which, as seen in the narrative description, can include some residential development (see attached Plan excerpt). While the C2 District allows for a wide range of commercial uses absent public review, the physical limitations of such a narrow lot and its adjacency to residential uses limits the commercial uses that would be appropriate. Further, it is hidden from East Washington Avenue by a four-story hotel, making most commercial development impractical. While not generally the intended type of use envisioned in the Comprehensive Plan for General Commercial areas, the proposal is not inconsistent with the range of uses as described in the Plan, and arguably more suitable for the site than most commercial uses.

The proposed building is not necessarily the most efficient use of such a large lot, but maximizes the amount of usable open space available to tenants. While the applicant has no interest in further development on the lot in the long term, the orientation of the building and access driveway would not altogether preclude the development of the rear portion of the lot by a future owner if ever deemed to be appropriate. Originally conceptualized as a two-story structure, the proposed one-story building better responds to the accessibility needs of future tenants, and also responds to concerns from adjacent neighbors regarding view preservation.

Unit Mix- While there is very limited variety in the type of units, seven of the eight units proposed are small, identical one-bedroom apartments appropriate for the intended long-term tenants,

and the one two-bedroom apartment will provide flexibility for the resident manager, who may share a household with another person or otherwise need more than one bedroom. Although other properties owned and managed by the applicant have not been sold to a new buyer, it is important to note that should the ownership change in the long term, the proposed unit mix could either serve a niche for one-person households, or the floor plan could perhaps be revised to allow for fewer, larger units.

Parking- The proposal includes four surface parking stalls, which is half of that required by the zoning ordinance without a parking stall reduction (in this case, the reduction can be administratively approved). As is typical for similar developments across the City, the applicant has indicated that very few of the future tenants will have automobiles, but will instead rely largely on public transit for most trips. Parking spaces on the site will be utilized by the resident manager and visitors, including individual case manager for the majority of the residents. While the amount proposed is thought to be sufficient based on the applicant's experience with similar existing properties, the applicant has demonstrated on the site plan a potential area for parking lot expansion, if deemed necessary in the future. Staff believes that the four stalls proposed are adequate, but would support an expansion of up to four additional stalls (eight total stalls) as a minor alteration to the conditional use in the future.

Proposed Pedestrian Easement- The proposed pedestrian easement is a generous gesture by the applicant, and would be quite beneficial if it connected to public rights of way on both sides to link Anniversary Court to the East Washington Avenue Frontage Road to the south. However, for a few reasons, staff believe that it is an inopportune time for the City to accept (or require) it, and recommend that it be removed. First, its termini on both sides of the property and the presence of chain link fences preclude pedestrian connectivity in the short term. Second, the steep grade at the southern portion of this property may significantly limit the use of this narrow corridor for pedestrians, even in the long term. Finally, the location of the proposed easement presents an awkward obstacle to any future development of the rear portion of this lot requiring a connection to Anniversary Court. Future development is not planned, but the purchase of a portion of this lot by the owners of Anniversary Court Condominiums and subsequent development of an additional building would certainly be appropriate as a future infill opportunity. If this were to be desired in the future, the appropriateness of a pedestrian easement could be revisited at that time.

Conclusion

Staff believe that the proposed eight-unit apartment building is appropriate for this location, which is primarily a residential area adjacent to commercial uses on the East Washington Avenue frontage. The proposed building will provide small, manageable dwelling units and high quality indoor and outdoor common spaces for tenants. This location is the first of its kind in this part of the city, is directly served by transit, and close to many potential employment opportunities and services.

The Planning Division believes that the conditional use standards can be met, and recommends that the Plan Commission **approve** the conditional use request subject to input at the public hearing and comments and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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

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

Planning Division (Contact Heather Stouder, 266-5874)

1. The 15 foot wide pedestrian easement proposed in the rear portion of the lot shall be removed on final plans submitted for approval by staff.
2. Expansion of the parking lot to up to eight (8) total stalls may be accomplished in the future as a Minor Alteration to the Conditional Use.
3. Final plans submitted by the applicant shall include elevations of the fence proposed along the northern property line.

The following conditions have been submitted by reviewing agencies:

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

4. The proposed site plan identifies a "15' Pedestrian Walkway Easement" along the rear lot line. Remove pedestrian walkway note as this pedestrian walkway easement has no immediate connection to a public easement or walk and staff feels it not necessary.
5. The onsite storm sewer system will require the use of a sidewalk flume.
6. The roof downspouts shall be shown and shall be directed toward the applicant's property or the public right-of-way but not toward other private property. All roof runoff must safely drain to Anniversary Lane.
7. 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.
8. All work in the public right-of-way shall be performed by a City licensed contractor, per MGO 16.23(9)(c)5 and MGO 23.01.
9. 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, City Parks Department- dkahl@cityofmadison.com or 266-4816.
10. 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.
11. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas

- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com . 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.

12. 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)
13. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. (MGO 10.05(6)). This permit application is available on line at:
<http://www.cityofmadison.com/engineering/permits.cfm>
14. 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, per MGO 16.23(9)(d)(4).

Zoning Administrator (Contact Pat Anderson, 266-5978)

15. Bike parking shall comply with City of Madison General Ordinances (MGO) Section 28.11. Provide 8 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.

16. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one accessible stall striped per State requirements. A minimum of one of the stalls shall be an 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 entrance as possible. Show ramps, curbs, or wheel stops where required.
- 17. Obtain approval of a 4 stall parking reduction.
- 18. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 foot candles. The maximum light trespass shall be 0.5 foot candles 10 ft from the adjacent lot line (See City of Madison lighting ordinance).
- 19. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes, and MGO Chapter 33, Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Water Utility (Contact Dennis Cawley, 261-9243)

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

Parks Division (Contact Kay Rutledge, 266-4714)

- 21. This development is within the Reindahl Park Impact Fee District. The developer shall pay approximately \$16,556.00 for park dedication and development fees for 8 new multifamily units. This is based on year 2010 rates (see calculation below) and will differ if paid in a different year. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division. Prior to sign off on the conditional use, the applicant must select a method for payment from the following options:

- a) Payment of all fees in a lump sum prior to City signoff on the project.
- b) Defer payments until such time as the building permits are applied for, with fees due and payable at the time building permits are issued.

2010 Fees:

Fees in lieu of dedication = (8 @ \$1477.00 per dwelling unit in mf building) =	\$11,816.00
Park development fees = (8 @ \$592.50 per dwelling unit in mf building) =	<u>\$ 4,740.00</u>
total fees =	\$16,556.00

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

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

This agency submitted a response for this request with no comments or conditions.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit a response for this request.