



Report to the Plan Commission

August 20, 2012

Legistar I.D. #25219
2801 Dryden Drive
Conditional Use Alteration

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use alteration to modify an age restriction requirement to convert 20 units in an existing 40-unit senior apartment building to non-age restricted units.

Applicable Regulations & Standards: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: Subject to input at the public hearing and review of the submitted materials, if the Plan Commission finds that the applicable standards are met, the Planning Division recommends that the Plan Commission approve the conditional use request to modify an age restriction requirement to convert 20 units in an existing 40-unit senior apartment building to non-age restricted units. This recommendation is subject to the conditions from the Planning Division and other reviewing agencies. Should the Commission not find the standards are met, the Commission should reject this application and shall specify those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

Background Information

Applicant / Owner: Todd Gebhardt; Northshore Rentals, LLC; 2026 Londonberry Dr; Madison, WI 53704

Contact: Alex Einsman; Northshore Rentals, LLC 2026 Londonberry Dr; Madison, WI 53704

Proposal: The applicant proposes to remove an existing age restriction requirement within a senior housing apartment to allow 50% (20 units) of the dwelling units to be non-age restricted units.

Parcel Location: The parcel is an approximately 1.2 acre parcel located on the east side of Dryden Drive, located between Northport Drive and Windom Way. This parcel is located within Aldermanic District 12 and the Madison Metropolitan School District.

Existing Conditions: .The site includes an existing three-story, 40-unit apartment building that was approved as an age-restricted housing development in 1988.

Surrounding Land Use and Zoning:

North: A McDonald's Restaurant, zoned C2, General Commercial District.

South: Single-Family Residential Development, zoned R1 (Single-Family Residence District)

East: 140-unit multi-building residential complex, zoned R4 (General Residence District); with a separate 72-unit complex, zoned R5 (General Residence District), beyond

West: Office Building, 35 Unit Apartment, with

Adopted Land Use Plan: The Comprehensive Plan recommends medium density residential uses for the subject property. The Northport-Warner Park-Sherman Neighborhood Plan does not provide more parcel-specific recommendations for the subject site.

Environmental Corridor Status: The property is not within an environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is zoned R5 (General Residence District)

Bulk Requirements	Required	Proposed
Lot Area	41,800 sq. ft.	51,950 sq. ft. existing
Lot width	50'	371.66'
Usable open space	7,360 sq. ft.	None shown
Front yard	20'	20' existing
Side yards	Min. 10', total 20'	76' RS / 77' LS
Rear yard	30'	adequate
Building height	3 stories/ 40 feet	3 stories existing
Number parking stalls	40	42
Accessible stalls	1 each surface lot	2 each lot
Loading	1 (10'x35')	None shown
Number bike parking stalls	1 stall per apt. unit (8)	None shown
Landscaping	Yes	Yes
Lighting	No	No
Other Critical Zoning Items	Utility easements; Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

Analysis, Evaluation, & Conclusion

The subject building received conditional use approval in 1988 as a senior housing development, age-restricted to residents ages 55 and older. The applicant seeks approval of a conditional use alteration to revise the age-restriction requirement, removing the restriction for 20 of the building's 40 dwelling units. No changes to the site or building are proposed at this time. This alteration request is subject to the conditional use approval standards. Since the initial submittal, the applicant has also revised the request, increasing the number of proposed non-age restricted units from 8 to 20. Staff understands that the applicant has met with building residents and advised them of the change. Prior to scheduling this public hearing, a new hearing notice, reflecting the revised request was provided.

Correspondence from the applicant states that the building has had high vacancy rates of and notes it has been difficult to fill the vacant units with residents 55 years of age and older. With the high rate of vacancies, the applicant raises concerns that there is not the revenue to provide upgrades and maintenance to the building and site. Finally, the letter of intent indicates that one of the reasons for the age restriction was to satisfy terms of a grant partially funding the project. That restriction expired in 2008.

The applicant was originally scheduled for a Plan Commission hearing in February 2012. Due to concerns from building residents, the applicant requested a referral of that hearing to further discuss this application with tenants. Since that time, staff understands the applicant has held multiple meetings with residents.

Surrounding Context and Existing Conditions

The subject site sits along the east side of Dryden Drive, between Northport Drive and Windom Way. Several larger multi-family developments immediately surround the property. To the east are two multi-building apartment complexes, including 140-dwelling unit and 72-unit developments. Additionally, a 34-unit apartment building sits across the property to the west. Single-family homes, zoned R1 (Single-Family Residence District) are located south of the subject site. Commercial developments, including the Northside Town Center, are north and northeast of the site. A McDonalds restaurant sits north of this property at the corner of Northport and Dryden Drives.

The building itself is a three-story, "U-shaped" structure with parking lots to the north and south. The building includes 34 one-bedroom units and six (6) two-bedroom units. In total, there are 42 parking stalls, equaling one stall per dwelling unit and just under one per each bedroom (46). No bike parking is currently provided but eight (8) stalls are required as a condition of approval.

Previous Approvals

The 1988 approval was conditioned upon the recording of a deed restriction to limit the building's occupancy to persons 55 years old or older. That restriction was recorded and a copy of that deed restriction is attached. Staff note that while the deed restriction provides the required age limitation, the list of permitted occupants was expanded to include individuals of any age, should they meet the below requirement. The recorded deed restriction states:

The occupants of the project are to include only persons who are handicapped, 55 years old or older, or a spouse and/or attendant of either of the foregoing.

The current building managers have owned and operated this building since 2008 and had been operating in accordance with the approved deed restriction. They have acknowledged that some dwelling units were occupied by individuals under the age of 55, with these residents meeting the above-mentioned disability provision. The Zoning Administrator believes that while such occupancy may be consistent with the deed restriction, it is not consistent with the original conditional use approval. He believes that the original conditional use approval must be altered to allow residents under the age of 55, regardless of disability status, or the applicant must abide by the original approval and revise the deed restriction to comply with the original approval.

Adopted Plan Recommendations

The Comprehensive Plan recommends medium density residential development for this property. That recommendation includes a general density range of 16-40 units an acre. The building now has a calculated density of 33 du/ac (dwelling units per acre) and no increase is proposed. The land use recommendation does not provide specific recommendations on senior housing. The Northport-Warner Park-Sherman Neighborhood does not have detailed land use or development recommendations for the subject site but generally recommends that the area should retain a mix of available housing types including single-family, owner occupied, rental, multi-unit or multi-family, affordable housing, and senior (Chapter I-8, p. I-47).

Concerns and Public Comment

Two pieces of correspondence noting concerns are attached, including one from a building resident. Staff is aware that some residents within the subject building have raised concerns and/or are opposed to this proposal. The primary concerns raised to staff include the incompatibility of mixing age-restricted units with non-age restricted units within this building. Other issues were raised about building management and tenant screening. One resident that contacted staff had indicated that she believed tenant screening had improved in recent months. Staff have met with the applicant and discussed these concerns. To reduce potential conflicts, one option discussed was designating certain building areas or wings for non-age restricted tenants. In the attached correspondence, the applicant notes this has been considered but it is not an option they wish to pursue at this time.

Conditional Use Standards

The Statement of Purpose for Conditional Uses (Zoning Code Sec. 28.12(11)(a)) states, in part, that the purpose of conditional use review is to consider "the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location." As with all conditional use requests, the Plan Commission cannot grant a conditional use unless it finds that it complies with all of the applicable standards.

Standards 1 and 2 relate to public safety and the ability to provide adequate City services, respectively. Captain Cameron McLay, Police Captain of the North District, has provided attached comments indicating he is comfortable in supporting the application. Please see his comments for further information.

The balance of the applicable conditional use standards primarily relate to impacts on surrounding properties. If well-managed, staff believe that allowing for the mixing of age and non-age restricted units within this building housing may have limited impacts, especially upon surrounding multifamily developments, many of which are existing market rate housing totaling approximately 250 units.

Conclusion

Staff believe that if well-managed, it may be possible for the Plan Commission to find the applicable standards can be met with the Conditions recommended below.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded
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Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

Subject to input at the public hearing and review of the submitted materials, if the Plan Commission finds that the applicable standards are met, the Planning Division recommends that the Plan Commission approve the conditional use request to modify an age restriction requirement to convert 20 units in an existing 40-unit senior apartment building to non-age restricted units. This recommendation is subject to the conditions from the Planning Division and other reviewing agencies. Should the Commission not find the standards are met, the Commission should reject this application and shall specify those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

1. That the Land Use Restriction Agreement, approved on October 12, 1998, be amended to reflect the occupancy restrictions approved by the Plan Commission. Per that agreement, modifications to that agreement are also subject to Common Council approval.

The following conditions have been submitted by reviewing agencies:

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

2. Submit a PDF of all floor plans, proposed apartment numbers and proposed suite numbers to lzenchenko@cityofmadison.com and addressing@cityofmadison.com for review and approval and implementation of a final addressing plan for this site. 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.
3. 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, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

This agency submitted a report with no recommended conditions of approval.

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of 1 accessible stall in each surface parking area striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b. Show signage at the head of the stalls.
 - c. The stalls shall be as near the elevator as possible.
5. Bike parking shall comply with City of Madison General Ordinances Section 28.11.
6. Provide one bike parking stall for each apt. (40) in a safe and convenient locations on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

7. Off street parking requirement shall comply with City of Madison General Ordinances Section 28.11. 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.)
8. If exterior lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
9. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
10. Parking & Loading shall comply with City of Madison General Ordinances Section 28.11 (4). Provide (1) 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area can be located in the drive aisle.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a report with no recommended conditions of approval.

Parks Division (Contact Kay Rutledge, 266-4714)

11. The developer shall pay \$22,599.20 in park dedication and development fees for the converted 20 non-age restricted apartments after a credit is given for the existing 20 age-restricted senior apartment units.
12. The developer must select a method for payment of park fees before signoff.
13. This development is within the Warner Park Impact Fee District (SI21).

Water Utility (Contact Dennis Cawley, 261-9243)

This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.