



Report to the Plan Commission

December 3, 2012

Legistar ID #28118

638 Hercules Trail

Zoning Map Amendment – Planned Unit Development

Report Prepared By:

Kevin Firchow, AICP

Planning Division

Requested Action: Approval to rezone the property from PUD-GDP (Planned Unit Development Plan-General Development Plan) to PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) to allow for the construction of two (2) apartment buildings with 95 total units.

Applicable Regulations & Standards: This project is subject to the standards for zoning map amendments and planned unit developments. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for planned unit developments.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments and planned unit developments are met and forward Zoning Map Amendment #28118, rezoning 638 Hercules Trail from PUD-GDP (Planned Unit Development Plan-General Development Plan) to PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan), to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Applicant : Dan Schmidt; Forward Management, Inc; 110 South Brooks St; Madison, WI 53715

Contact: Brian Stoddard; Avenue Architects, Inc; 550 Sunrise Drive #201; Spring Green, WI 53588

Property Owner: MREC VH Madison Investors LLC; 8500 Normand Lake Blvd; Minneapolis, MN

Proposal: The applicant proposes to construct a two-building apartment complex. The plans include two (2) three-story buildings, providing a total of 95 dwelling units. That is consistent with the number of units approved in the underlying General Development Plan (GDP). There are 155 total bedrooms within a mix of studio, one, two, and three-bedroom units. Plans also show that there are 167 automobile parking stalls.

Parcel Location: The subject site is lots 451-454 of Grandview Commons, bounded by Hercules Trail (east), Charon Lane (north), Jupiter Drive (west), and Halley Way (south). The site is in Aldermanic District 3 and within the boundaries of the Madison Metropolitan School District.

Existing Conditions: This site is undeveloped. The northern and western portion of the property is heavily wooded.

Surrounding Land Use and Zoning: All properties are part of the underlying Grandview Commons development. Properties are zoned a combination of PUD-GDP (General Development Plan) and PUD-SIP (Specific Implementation Plan). As noted below, some of the surrounding SIPs have gone undeveloped and the specific development approvals have expired.

North: Undeveloped parcel, previously approved for a 36 unit condominium development. A 16-unit townhouse development is to the north. The underlying GDP allows a total of 87 units for the block north of the subject site.

South: Senior Housing development along Jupiter Drive. The eastern portion of the site is currently undeveloped, an approved specific implementation plan for an expansion of the senior housing development has expired. The General Development Plan includes 131 approved dwelling units

East: Attached single-family twin homes; and

West: Senior housing and assisted living facilities.

Adopted Land Use Plans: The Comprehensive Plan and the more detailed Sprecher Neighborhood Development Plan recommend medium density residential development for this site. That general recommendation includes densities up to 40 du/ac (dwelling units per acre). With a calculated density of 23.75 du/ac this proposal is consistent with that recommendation and as noted above, consistent with the underlying General Development Plan.

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, though City transit is not available at this location.

Zoning Summary: The site is now zoned Planned Unit Development-General Development Plan.

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	174,585 sq. ft.
Lot width		Adequate
Usable open space		Adequate
Front yard	20'	As shown on final plans
Side yards	9'	As shown on final plans
Rear yard	30'	As shown on final plans
Building height	3 stories/ 40'	3 stories / 34' max
Site Design		
Number parking stalls	95 stalls	167 stalls / 62 surface
Accessible stalls	2 surface 2 underground Bldg B 3 underground Bldg A	4 surface 2 underground Bldg B 2 underground Bldg A
Loading	1	0
Number bike parking stalls	95	73
Landscaping	As shown	Adequate
Lighting		
Other Critical Zoning Items	Urban Design, Utility Easements, Barrier free (ILHR 69)	

Table Prepared by Pat Anderson, Assistant Zoning Administrator

Project Review

The applicant requests approval of a zoning map amendment to the PUD-GDP-SIP District (Planned Unit Development-General Development Plan-Specific Implementation Plan) to allow construction of 95 apartment units in two buildings on a four (4)-acre site. The site is within the Grand View Commons Planned Unit Development, which allows 95 units of residential development at this location. This proposal is subject to the zoning map amendment and planned unit development approval standards.

The subject site is comprised of four undeveloped lots bounded by Hercules Trail (east), Charon Lane (north), Jupiter Drive (west), and Halley Way (south). The site is part of the "Neighborhood Center Residential District" in the General Development Plan, which has approved 95 units of multi-family housing on this site. This site is part of a larger area where up to 798 dwelling units are permitted on about 34 total acres. In terms of topography, the highpoint of the site is near the southeast corner, generally falling off towards the north and west. Steeper grade changes are located along Jupiter Drive and Charon Lane, where the property drops off roughly 11 feet. These portions of the property are also heavily wooded, and the preservation of these trees is specifically required in the GDP.

Proposed Specific Implementation Plan

The proposal includes the development of two "L" shaped multi-unit buildings. Building "A" is a two and three story, 48-unit structure fronting onto Hercules Trail and Halley Way. Building "B" is a three story structure fronting onto Halley Way and includes 47 units.

	Building A	Building B	Total Units	Total Bedrooms
Studio Units	7	6	13	13
One-Bedroom Units	14	14	28	28
Two-Bedroom Units	24	24	48	96
Three-Bedroom Units	3	3	6	18
TOTAL UNITS	47	48	95	--
TOTAL BEDROOMS	78	77	--	155

Automobile access to the development will be provided by a two-way driveway on Halley Way. This provides access to a 62 stall surface parking lot and a combined 105 underground parking stalls located beneath the buildings. A total of 73 bicycle parking stalls is provided including 41 stalls located beneath the structures.

The buildings are similar in character and feature facades composed of a mix of brick veneer and horizontal vinyl siding. The apartment buildings will be topped by gabled roofs that include sections of varied height. A combination of patios, porches, and balconies are provided for each dwelling unit. Staff note that most of the ground floor funits fronting onto Hercules Trail and Halley Way, have direct street-facing entrances where grade permits.

Building "A" has about 200 feet of street frontage along both Hercules Trail and Halley Way. It has a modified "L" shape that follows the street curve along Halley Way. Building "B" provides about 170 feet of frontage on Halley Way.

The submitted landscape plan calls for the preservation of much of the existing mature vegetation along the northern and western sides of the building. Preserved trees to remain include nine trees (cottonwood, spruce, ash, and birch) with diameters ranging from 21 to 48 inches. Foundation plantings are proposed along the street sides of the buildings and other planted areas located throughout the site.

Analysis and Conclusion

In making their recommendation to the Common Council, the Plan Commission will need to consider whether the proposal is consistent with the underlying General Development Plan, the Comprehensive Plan, the general zoning map amendment standards, and the PUD approval standards. As noted below, staff believes the project meets the applicable standards and conforms to the General Development Plan and adopted plan recommendations for this area.

Conformance with the General Development Plan

The specific implementation plan for this 95-unit apartment project conforms to the underlying General Development Plan's use, density, bulk, and massing requirements for lots 451-454. The underlying zoning allows for up to 95 units on these four properties. Plans also call for the preservation of the site's mature trees along the northern and western edges of this site, which this proposal substantially does.

Conformance with Adopted Plans

As with any zoning map amendment, the Plan Commission shall not recommend the adoption of a proposed rezoning without due recognition of the master plan of the City." In addition, Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be *consistent with* the City's comprehensive plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." Staff believes such a finding can be made.

The Comprehensive Plan and the more detailed Sprecher Neighborhood Development Plan both recommend medium density residential development for this site. That general recommendation includes densities up to 40 du/ac (dwelling units per acre). With a calculated density of 23.75 du/ac this proposal is consistent with that recommendation and as noted above, consistent with the underlying General Development Plan.

Design and Character Considerations

On a unanimous vote, this proposal was granted a recommendation of initial approval from the Urban Design Commission at its October 17 meeting. Those comments are attached. There is a wide variety of building styles within the surrounding "Neighborhood Center Residential District." Staff believes the building is certainly consistent with the design and scale of similar residential buildings already developed within this part of Grand View Commons. Staff appreciates the applicant's efforts to wrap the building around the Hercules and Halley corner and the introduction of individual street-facing entrances. In response to initial staff concerns regarding height transition to the smaller two-family dwellings on the opposite side of Hercules Trail, the applicant stepped down a portion that façade to two stories. While the corner of the building remains at three stories, the revised elevations submitted within this application relate better to the smaller buildings to the east. At its November 28 meeting, the Urban Design Commission granted a recommendation for final approval of the project.

Proof of Financing Requirement

Applicants of Planned Unit Developments are required by ordinance to provide proof of financing capability as part of the information reviewed for the approval of Specific Implementation Plans (Sec 28.07(6)(g)(3)(a)(x)) unless otherwise waived. Staff recommends that the applicant provide assurances

that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the sign-off and recording of the PUD and any permits being issued.

Conclusion

Planning Division staff believes the project can meet the applicable approval standards for planned unit developments and zoning map amendments. The project is consistent with the underlying General Development Plan (GDP) zoning that allows up to 95 multi-family units on this site. The proposal is also consistent with the general land use and density regulations in the Comprehensive and Sprecher Neighborhood Development Plans. At the time of report writing, staff was not aware of any concerns from surrounding neighbors on this proposal.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments and planned unit developments are met and forward Zoning Map Amendment #28118, rezoning 638 Hercules Trail from PUD-GDP (Planned Unit Development Plan-General Development Plan) to PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan), to the Common Council with a recommendation of approval, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. As required by the Zoning Code for Planned Unit Developments, the applicant shall provide proof of financing which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the sign-off and recording of the PUD and any permits being issued. This information should include a letter of commitment from a bank or other lending institution and a letter from a construction company indicating their intent to proceed with the project or other commitments as required by the Director.

The following conditions have been submitted by reviewing agencies:

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

2. The applicant shall coordinate the terrace tree planting plan with the fire access plan.
3. There are preliminary lighting assessments against these properties (Lots 453 and 454 of Grandview Commons) that were established at the time of the plat approval process. The City may install and assess lighting in conjunction with this development.
4. The pending Certified Survey Map for this property shall be completed and recorded with the Register of Deeds (ROD). When the recorded CSM image is available from the ROD, the

Assessors Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

5. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of each floor plan to Engineering Mapping Lori Zenchenko (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.
6. The approved base address for proposed Bldg A is 5816 Halley Way and Bldg B 5804 Halley Way.
7. 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 (POLICY).
8. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
9. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
10. 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 or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
11. All damage to the pavement on Hercules Trail, Halley Way, Jupiter Drive, Charon Lane, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm>
12. 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 (POLICY and MGO 10.29).
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
14. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural

Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line at:
<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).

15. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Control 80% TSS (5 micron particle) off of new paved surfaces.
 - b) Provide infiltration in accordance with MGO Chapter 37.
 - c) Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - d) 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 MGO Chapter 37.
16. 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 Misc 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 lzenchenko@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 (POLICY and MGO 37.09(2) & 37.05(4)).

17. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints.
 - b) Internal walkway areas.
 - c) Internal site parking areas.
 - d) Lot lines and right-of-way lines.
 - e) Street names.
 - f) Stormwater Management Facilities.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
18. 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 (POLICY and MGO 37.09(2)).

- 19. 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>.
- 20. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction MGO 37.05(7). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
- 21. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

Fire Department (Contact Bill Sullivan, 261-9843)

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

- 23. Bike parking shall comply with MGO Section 28.11. Provide 95 bike parking stalls (one per unit) 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. Moped parking must also be shown, if provided.
- 24. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
- 25. Put addresses of the building and number of units in each building on the final plan sets, pursuant to MGO Section 10.34(2). Address information can be obtained from Lori Zenchenko of City Engineering at 266-5952.
- 26. Parking lot plans with greater than twenty (20) stalls shall comply with MGO Section 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total). 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.
- 27. Include elevations of buildings as part of final plan submittal

28. Provide three (10' x 35') loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.

Water Utility (Contact Dennis Cawley, 261-9243)

29. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. This property is not in a Wellhead Protection District. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

Parks Division (Contact Kay Rutledge 266-4717)

30. This development is within the Door Creek impact fee district (SI23). The developer shall pay approximately \$214,692.40 for park dedication and development fees for the new 95 multifamily units proposed. (See calculation of 2012 rates below. Rates will be higher if paid after 2012).

Fees in lieu of dedication = (95 mf @ \$1,631) =	\$154,945.00
Park development fees = (95 mf @ \$628.92) =	\$59,747.40
Total Fees =	\$214,692.40

31. The developer must select a method for payment of park fees before signoff on the PUD(SIP).

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

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency did not submit a response to this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.