



**Project Address:** 1902 Tennyson Lane

**Application Type:** Zoning Map Amendment, Conditional Use, and Neighborhood Plan Amendment

**Legistar File ID #** [32269](#), [32627](#), [32668](#), and [32634](#)

**Prepared By:** Kevin Firchow, AICP, Planning Division

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At the January 8, 2013 Urban Design Commission (UDC) meeting, the applicant verbally committed to providing a north-south street where the private driveway is proposed on the site's east side. This was in response to the Planning Division's site plan concerns on the submitted plans. With the proposed street, the plans are similar to a development concept that staff prepared as an example of a possible improved layout, as discussed in the original staff report.

While the UDC granted initial approval, plans showing the additional street were not provided and the improvement was only discussed in concept. Many details are required to return for UDC final approval.

On January 9, staff was provided the attached letter from the applicant committing to build the street. Just prior to these packets going out, supplemental information was provided which included the alternative site plan showing the new proposed street. That packet of supplemental information also includes the slightly revised building elevation drawings and the landscape plan that were submitted to UDC. Due to the timing of the new materials, the revised plan has not been reviewed by City Agencies.

When there are significant late changes, a motion to refer a project to future meeting is typically appropriate to allow for adequate review and comment. Staff notes that review of the revised plan could result in the need for other site plan modifications and likely impacts the comments of several reviewing agencies. Staff also understands that Ald. Palm is organizing a third neighborhood meeting to further discuss this project.

However, the applicant is concerned about future referrals. As noted in the original staff report, the applicant is seeking WHEDA tax credit funding and has stated to staff that he needs both the rezoning and conditional use approvals prior to the end of January to make that funding application. That would require a Common Council action at the January 21 meeting on the rezoning and a conditional use approval by the Plan Commission on either January 13 or January 27.

If after the public hearing the Plan Commission does find the standards are met and approves / recommends approval of the revised concept prior to review by City Agencies, staff recommends that the following condition be added: This approval is subject to additional or revised comments from City reviewing agencies in regards to changes related to the proposed street that was presented to the Plan Commission on January 13, 2014.



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Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Michael Waidelich, Principal Planner, Planning Division  
Katherine Cornwell, Planning Division Director

## Summary

**Applicant:** Thomas W. Sather, The T.W. Sather Company, Inc; 6527 Normandy Lane; Madison, WI 53719

**Contact:** Thomas W. Sather, The T.W. Sather Company, Inc; 6527 Normandy Lane; Madison, WI 53719

**Property Owner:** Tennyson Terrace, LLC c/o Thomas Keller; 448 West Washington Avenue, Madison, WI 53703

**Requested Actions:** The applicant requests approval of a zoning map amendment from the SR-C1 (Suburban Residential-Consistent 1) District to the SR-V2 (Suburban Residential-Varied 2 District. The applicant has also updated their submittal to also request a conditional use for a multi-family building complex. In addition, an amendment to the Northport-Warner Park-Sherman Neighborhood Plan has also been prepared in response to this application which specifies medium density multi-family housing as a recommended land use.

**Proposal Summary:** The applicant requests rezoning and conditional use approval to construct a two-building, 72-unit apartment complex. Both buildings are three-story structures with underground parking. The larger "L"-shaped structure includes 42 units with the smaller building containing 30 units. The site plan depicts 24 "single-family lots" however, these are only illustrative as a subdivision plat has not been submitted with this application. As proposed, the entire property, including the single-family lots, are to be rezoned to the SR-V2 district.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Zoning Map Amendments [M.G.O. Section 28.182(6)] and Conditional Uses [Section 28.183].

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council.

**Summary Recommendation:** The Planning Division does not believe the applicable standards are met and recommends that the Plan Commission **Place the Conditional Use request On File** and recommend that Zoning Map Amendment 00095 rezoning the property from SR-C1 (Suburban Residential-Consistent 1) to SR-V2 and the proposed neighborhood plan amendment be forwarded to the Common Council with a recommendation to **Place on File**. The Plan Commission should specify the standards that it found not to be met should it not approve this request.

Should the Plan Commission and Common Council find the standards are met, then the Planning Division recommends that the approval be subject to the conditions recommended in this report. This recommendation is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

## Background Information

**Parcel Location:** The subject site is a 6.12 acre portion of 1902 Tennyson Lane. It is currently part of a larger 19.46 site, referred to as the “Keller Property” in this report. A Certified Survey Map (CSM) creating the subject lot (Lot 3) was approved in April 2013 and that approval was extended in November 2013, though at the time of report writing, the Certified Survey map had not yet been recorded. A copy of that map is attached.

**Existing Conditions and Land Use:** The western portion of the subject property is currently developed as part of a former agricultural/industrial complex. A demolition permit (with no future use) was approved by the Plan Commission in April 2013. The eastern portion of the property is primarily undeveloped, though a driveway runs across the property providing access to Packers Avenue. In November 2013, the Common Council approved the General Development Plan for a 300-unit senior housing and assisted living facility immediately east of the subject site on the “Keller Property.”

### Surrounding Land Use and Zoning:

North: Undeveloped lands in the Town of Burke (Referred to in this report as the “Raemisch Property”;

South: The Berkeley Oaks single-family subdivision, zoned SR-C1 (Suburban Residential Consistent -1 with multi-family residential to the southeast between Kipling Drive and Packers Avenue, zoned SR-V1 and SR-V2 (Suburban Residential Varied Districts);

East: Undeveloped properties, including the recently approved future development of a 300-unit senior housing and assisted living facility. Beyond that is the Oak Park Terrace mobile home court, zoned PD-MHP-SIP (Planned Development, Mobile Home Park, Specific Implementation Plan); and

West: Approved extension of Eliot Lane with undeveloped portions of the “Keller Property” between the street and Lake View Elementary School beyond, zoned SR-C1.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential development for the subject site. The Northport-Warner Park-Sherman Neighborhood Plan does not include detailed development recommendations for that site, stating that the future use of this site could focus on residential uses, with an opportunity for a limited neighborhood mixed-use node at the intersection of Packers Avenue and Tennyson Lane. An amendment to the neighborhood plan narrative was adopted on November 19, 2013 to recommend medium-density residential uses on the central portion of the Keller Property to accommodate the proposed senior housing and assisted living facility. Because of the lack of detail and the Comprehensive Plan recommendation for low density development on most of the property, another short neighborhood plan amendment is also before the Plan Commission to acknowledge medium density residential development as a recommended land use on the subject site.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

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

**Zoning Summary:** The subject site is zoned SR-C1 (Suburban Residential – Consistent 1) and is proposed to be rezoned to the SR-V2 (Suburban Residential-Varied 2) district. A summary of those standards is included on the following page.

### Zoning Comparison Table:

Multi-family	Required	Proposed
Lot Area (sq. ft.)	2,000 sq. ft. per D. U. (144,000 sq. ft.)	191,645 sq. ft.
Lot Width	60'	Adequate
Minimum front yard setback	25'	Adequate
Side yard setback	10'	Adequate
Rear yard	Lesser of 25%lot depth or 30' See (a) below	TBD
Maximum lot coverage	60%	Less than 60%
Maximum building height.	3 stories or 40'	3 stories
Usable open space	500 sq. ft. (36,000 sq. ft.)	TBD
Number parking stalls	1 per dwelling unit (72)	77 underground 43 surface 120
Bike parking	1 per unit up to 2 bedrooms, ½ space per addl. Bdrm. (78) 1 guest space per 10 units (7) 85	32 surface
Landscaping	Yes	Yes
Lighting	Yes	No
Building forms	Yes	TBD
<b>Other Critical Zoning Items</b>	Urban Design, Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

### Previous Approvals

On May 5, 2008, the property owner received approval to demolish the aforementioned agricultural buildings to allow the construction of 59 commercial condominium buildings. At that time, the subject properties were zoned M1 – Limited Manufacturing District. That proposal never moved forward.

In January 2013, the City's new Zoning Code and map took effect. Consistent with adopted plan recommendations, the subject property was rezoned from the Limited Manufacturing District to the SR-C1 (Suburban Residential-Consistent 1) District. That district is primarily a single-family home district.

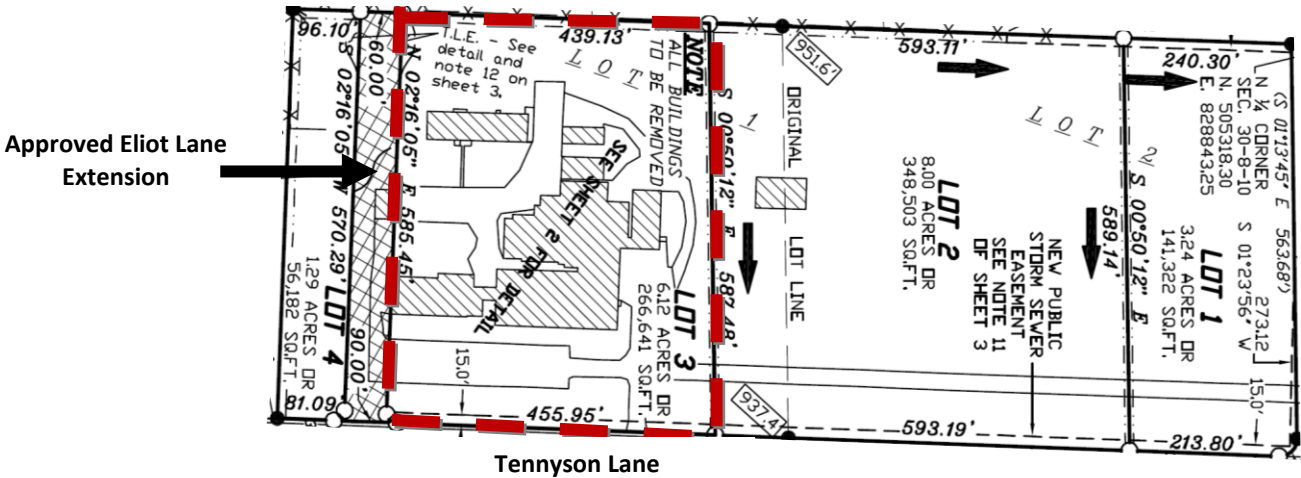
In April 2013, the Plan Commission approved a demolition permit and a four-lot Certified Survey Map (CSM) for the subject property. The CSM approval required the extension of Eliot Lane across the subject property, consistent with the adopted neighborhood plan. The approval also required that a note be placed on the CSM stating that "construction of additional public streets may be required at the time when lots are further divided or developments are proposed." At the time of report writing, that CSM had not been recorded, though the approval has been extended and is set to expire on May 11, 2014.

In November 2013, the Common Council approved a zoning map amendment for an approximately 9 acre portion of the Keller Property immediately to the east. That property is zoned Planned Development and the approved General Development plan allows for a senior housing and assisted living complex with up to 300 units. A Specific Implementation Plan has not yet been submitted.

Project Description

The applicant requests approval to rezone 6.12 acres of 1902 Tennyson Lane from the SR-C1 (Suburban Residential- Consistent 1) District to the SR-V2 (Suburban Residential-Varied 2) District. At the applicant’s request, the application was amended to also request approval of a conditional use for a new multi-family building complex. An amendment to the Northport Warner Park Sherman Neighborhood Plan has been prepared in response to this application as is being considered concurrently.

The subject site is outlined below on the approved, but unrecorded Certified Survey Map (CSM). The map shows the existing site improvements, which were approved for demolition in 2013. The subject site is on the north side of Tennyson Lane, between the approved northern extension of Eliot Lane and the recently approved site for a 300 unit senior housing and assisted living facility (on lot 2).



The submitted application includes two components. The first component requests approval of a multi-family building complex with 72 units in two buildings. That is proposed on an area of roughly 4 acres, with a resulting density of about 17.7 dwelling units per acre. Both buildings are three-story structures with underground parking beneath. The larger 50,202 square foot building is “L” shaped and includes 42 units. The smaller 38,439 square foot building includes 30 dwelling units.

Based on the submitted floor plans, unit counts are as follows:

	Number of Units	Number of Bedrooms
42-Unit Building		
1 Bedroom Units	15	15
2 Bedroom Units	18	36
3 Bedroom Units	9	27
Sub Total	42	78
30-Unit Building		
1 Bedroom Units	3	3
2 Bedroom Units	18	36
3 Bedroom Units	9	27
Sub Total	30	66
Project Totals	72	144

The proposed buildings would be clad in a combination of brick veneer and vinyl siding. There are 45 exterior automobile parking stalls with 72 stalls beneath the building.

The multi-family development would take access from a driveway on a 60 foot-wide peninsula that extends south to Tennyson Lane. The buildings do not front onto a public street. A bike path is proposed along the eastern and northern edges of the property, providing an on-site connection between Tennyson Lane and the approved future extension of Eliot Lane. The most recent plans also include a walkway connecting the rear of the site to Tennyson Lane. This was in response to the comments from Metro Transit.

The second component of this development is the future addition of 15 single-family home sites along the subject site's south and west perimeter. An additional nine (9) possible lots are depicted on the opposite side of the Eliot Lane extension. Please note that, while discussed with staff, a subdivision plat to formally create these individual single-family lots has not been submitted and these lots are only illustrative. These lots are also included within the area requested to be rezoned to the SR-V2 zoning district.

Construction of the project is proposed to commence in Fall of 2014 with completion scheduled in the Fall of 2015. The applicant is requesting tax credit financing from WHEDA (the Wisconsin Housing and Economic Development Authority). The applicant has indicated to staff that they need all rezoning and conditional use approvals in place by the end of January for their tax credit application to be considered. As a clarifying note, the application indicates city Tax Incremental Financing (TIF) was also requested. Such funding is not available for this request, however.

## Analysis and Conclusion

This proposal is subject to the Zoning Map Amendment [Madison General Ordinance Section 28.182(6)] and the Conditional Use Standards [M.G.O Section 28.183] of the Zoning Code. As a multi-family building complex, the Urban Design Commission is also required to make an advisory recommendation to the Plan Commission and Common Council.

The Planning Division has significant concerns regarding this request and does not support this proposal. As further discussed in this analysis section, the Division does not believe it meets the applicable approval standards.

In summary, the Division has concerns with both the land use and the proposed design. In regards to the use, the site is planned and zoned for low density and single-family development, respectively. In regards to design, the fundamental layout of this site is atypical and very concerning-designed as a "flag-shaped" development site. As proposed, the buildings have no orientation to an existing or proposed street.

The applicant's initial concepts had a more conventional layout with the large apartment buildings oriented towards the future Eliot Lane extension. In pre-application meetings, the Planning Division expressed concerns about creating an isolated apartment complex in an area planned and zoned primarily for single-family homes and indicated it could not support the project as proposed. The Planning Division indicated that some further multi-family development might be supportable, if well-designed and integrated with additional single-family development. As examples of a possible improved layout, staff shared two alternative development concepts that provided additional single-family lots and located the multi-family development on a new north-south street. The applicant's current proposal incorporated the additional single-family lots, but does not include the north-south street, which was a key organizing feature of both of staff's concepts. Without the street, this

concept is believed to be problematic and not consistent with staff's intent. Since seeing the current proposed, the Planning Division has consistently raised concerns about the lack of public street orientation.

### **Conformance with Adopted Plans**

The Planning Division does not believe the proposal is consistent with the existing recommendations of the Comprehensive Plan and the Northport-Warner Park-Sherman Neighborhood Plan. For the proposal to be approved, the Planning Division believes that an amendment to the neighborhood plan is necessary to formally establish a policy change to support larger multi-family development at this location.

#### *Comprehensive Plan*

The Comprehensive Plan includes the Keller Property and the subject site within a much larger area recommended for Low Density Residential (LDR) development that encompasses most of the surrounding neighborhoods. This LDR area includes both developed and undeveloped properties, with the 19.1-acre Keller property and the 61.6-acre Raemisch property adjacent to the north being by far the two largest undeveloped properties.

In the Comprehensive Plan, Low Density Residential areas have a recommended average density of up to 16 units per acre and are recommended to have a predominance of single-family and two-unit housing types. The mix may include a variety of other housing types, including single-family, duplex, and three-flat dwellings, townhouses, and small 4-unit apartments. The Comprehensive Plan also provides that limited areas within an LDR district may be developed with other housing types at densities somewhat greater than 16 units per acre (such as "bungalow courts" or small-scale apartment complexes) at specific locations identified in an adopted neighborhood or special area plan.

The Comprehensive Plan also notes that the neighborhood design should be conducive to walking and the uses should share an interconnected sidewalk and street system. This includes Land Use and Transportation System Coordination Policy 4 which states, "In new neighborhoods, plan and construct a pattern of streets, sidewalks, bicycle facilities and public transit facilities that maximizes the connectivity of land uses with the neighborhood and connectivity to areas outside the neighborhood.

The Comprehensive Plan specifically acknowledges that its land use recommendations are "relatively broad, and the exact shape of many of the land use districts is necessarily somewhat conceptual. In many instances, the recommended land use pattern will need to be refined and detailed in neighborhood or special area plans. The plan states that infill or redevelopment projects should be compatible with established neighborhood character and be consistent with an adopted neighborhood or special area plan.

#### *Northport-Warner Park-Sherman Neighborhood Plan*

The Northport-Warner Park-Sherman Neighborhood Plan does not currently include a detailed recommended land use map covering the entire neighborhood. That plan includes concept illustrations, including two for the large Raemisch property located immediately north of the Keller property. Both concepts illustrate a future residential neighborhood characterized by a grid street system and primarily consisting of houses on individual lots, with limited multi-family and commercial mixed-use developments indicated on the easternmost portion of the property adjacent to Packers Avenue.

Given the existing or recommended low-density land uses both to the north and the south, this recommendation strongly suggests that single-family development was intended to be the predominant future land use on the Keller property, but that limited areas of higher-density development or non-residential mixed-use development might also be appropriate, particularly on the eastern portions of the site.

### *Neighborhood Plan Amendment*

In response to this proposal, an amendment to the Northport-Warner Park-Sherman Neighborhood Plan has been prepared to be considered concurrently with the subject rezoning and conditional use application. If adopted, the amendment would recommend that medium-density residential uses are an acceptable land use for the western-central portion of the Keller property encompassing the subject site. This would be the second such amendment for the Keller Property, noting the amendment adopted on November 19, 2013 to recommend medium-density residential uses on the central portion of the Keller Property to accommodate the proposed senior housing and assisted living facility.

Should such an amendment be approved, the Planning Division believes that the proposed development can be found consistent with the neighborhood plan and could also support a finding that the proposed project is generally consistent with the Comprehensive Plan's land use recommendation considering the relationship between the these plans.

### **Zoning Map Amendment Standards**

Multi-family building complexes are not permitted under the property's existing SR-C1 (Suburban Residential – Consistent 1) zoning. That district, which is primarily a single-family district, took effect for the subject property in January 2013 with the adoption of the new zoning code. For this proposal to be implemented, the Common Council must approve the requested rezoning of the property to the more intensive SR-V2 (Suburban Residential-Varied 2) District. As with any rezoning application, the Plan Commission is required to make a recommendation on the request.

The broad approval standards for zoning map amendments state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Staff has received brief comments from Captain Jay Lengfeld, new North District Captain, who has raised general concerns about additional apartments and density in this area. Other concerns were raised related to potential impacts to on-street parking and the need for potential future restrictions. Those comments are attached.

Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (including zoning map amendments) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furtheres or does not contradict the objectives, goals and policies contained in the comprehensive plan." As noted above, with the adoption of the proposed amendment to the Northport-Warner Park-Sherman Neighborhood Plan, staff believes a finding of plan consistency could be made, noting the relationship between the broad nature of the Comprehensive Plan's mapped land use recommendations, other Comprehensive Plan objectives, and the more specific recommendations for the subject site in the neighborhood plan.



## Conditional Use Standards

The conditional use standards are more specific than the broad zoning map amendment standards. To approve a conditional use request, the Plan Commission must find that all of the conditional standards are met. Staff notes the following concerns:

- **Standard 4.** The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

In considering this standard, the Planning Division has very significant concerns regarding the future implementation of the single-family lots that are depicted along Tennyson Lane. As noted above, these lots are only graphically depicted and not included as part of a plat as would typically be provided in an application of this type to create those lots. Staff acknowledges the importance of having lower-scale development, such as the single-family homes, immediately across Tennyson Lane from similarly-scaled structures. Staff believes that is preferable and compatible in scale compared to fronting Tennyson with long three-story buildings. As discussed below, staff has questions as to whether the land division standards could be found to be met should a plat be formally submitted with this layout.

In addition, the applicant has included the single-family areas to be zoned out of a single-family district and into the multi-family supporting SR-V2 district. With the current proposal, there are few assurances that the Tennyson Lane fronting lots would be developed as single-family lots. Also, the Planning Division questions the desirability of some of these lots considering the configuration and orientation of the proposed apartment complex to their rear.

- **Standard 5.** Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

Considering the Comprehensive Plan's policies related to an interconnected street network, the Planning Division continues to believe that additional public streets are important to serve both the Keller and Raemisch properties. Since the review of the recent requests on the Keller Property, the Planning Division has consistently recommended that there be at least two north-south connections between Tennyson Lane and the Raemisch property to the north. Please note that conditions from reviewing agencies have recommended a formal sidewalk and pedestrian easement along the east side of the property.

## Site and Building Design Considerations

The Urban Design Commission (UDC) is required to make an advisory recommendation on all conditional use requests for multi-family building complexes.

The Planning Division does not support the fundamental layout of this site which is designed as a "flag-shaped" development site with the apartment buildings located in the backyards of future single-family sites. While the Planning Division supports single-family development on the north side of Tennyson Lane, the current configuration lacks street presence or orientation for the apartment complex. As proposed, the buildings have no orientation to an existing or proposed street.

Given the concerns regarding the fundamental layout, it is difficult to provide comments on the isolated buildings themselves. The Planning Division offers the following considerations:

- **Building Length and Articulation.** If buildings were relocated and reoriented to public streets as recommended the Zoning Code states that buildings cannot exceed 160 feet of length parallel to a primary abutting street without significant articulation of the façade. Facades facing a public street shall be vertically articulated at a minimum of every 40 feet. There are a few building facades in the current proposal that exceed 40 feet in width that should be further articulated, ideally with additional recesses and projections that provide some relief along the façade's flat portions.
- **Street Oriented Entrances.** If any buildings are reoriented to the street, additional street-facing entrances to individual units would be desirable. Staff believes the "public" building entrances should have more prominent entry features.
- **HVAC and Wall Packs.** No information on HVAC systems has been provided. No through-the wall vents ("wall packs") should be visible from a public street.
- **Clarify Relationship to Site Grades.** More detailed grading information is necessary as it relates to the buildings. As depicted, plans suggest the underground parking level is entirely below grade, with the exception of where the driveways are located.

### Land Division Standards

There is no plat before the City at this time to create the depicted lots. Should the development move forward, a plat will need to be approved. At that time, a finding would need to be made that the land division standards are met. Considering the concerns raised elsewhere in this report, Staff have some questions as to whether the applicable standard (16.23(8)(d)(1)) could be met should a plat be submitted. That standard states:

The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated...Lots shall be oriented to maximize opportunities for pedestrian travel and neighborly interaction.

Staff also notes that the existing Certified Survey Map (CSM) is approved and not yet recorded. A condition of approval on that CSM is that "construction of additional public streets may be required at the time when lots are further divided or developments are proposed." The applicant and property owner have cited neighborhood concerns as a reason for not adding the additional street. If an additional street is required as part of this approval then such information should be included on a plat submitted to divide the lot.

### Public Input

At the time of report writing, staff has not received any written public input on this proposal. Two neighborhood meetings were held on this development request and the neighborhood plan amendment. Of the general comments provided, some attendees raised concerns on the land use, specifically, the introduction of more apartment units in this area leading to more traffic and potentially crime. Other concerns were raised that this development would not help stabilize the neighborhood, noting concerns with existing nearby apartment developments. The Planning Division is also aware of neighborhood concerns raised regarding additional future north-south streets that could ultimately direct some traffic onto the Raemisch property onto Tennyson Lane.

## Conclusion

The applicant seeks approval of a property rezoning and a conditional use to allow the development of a 72-unit multi-family building complex on a portion of the subject site. This proposal also depicts the creation of additional future single-family lots along the south and west edges of the site, but a plat application has not been submitted and therefore, such depictions are only illustrative.

The Planning Division does not support this request and is very concerned with several aspects of this proposal. From a land use perspective, the development of a multi-family apartment complex is not consistent with adopted plans and the existing zoning. The Planning Division has raised concerns about the development of an isolated apartment complex in an area planned and zoned primarily for single-family homes.

The Planning Division is also concerned with the site layout. The atypical, flag-shaped development site is not supported as the proposed apartment complex has no orientation to an existing or proposed public street. While staff supports the development of single-family homes on the north side of Tennyson Lane, the applicant's resulting layout is problematic. Staff question whether the conditional use standards, especially those related to "normally and orderly development" and "adequate improvements" are met.

While the Planning Division has concerns, the proposal has been processed with a concurrent amendment to the Northport-Warner Park-Sherman Neighborhood Plan. If approved, the plan amendment would provide policy guidance to support the development of a larger apartment complex at this general location, but staff concerns with the project's site plan, building orientation and design and lack of street connections would be unaddressed. The applicant is requesting tax credit financing from WHEDA (the Wisconsin Housing and Economic Development Authority). The applicant has indicated to staff that they need all rezoning and conditional use approvals in place by the end of January for their tax credit application to be considered.

## Recommendation

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

The Planning Division does not believe the applicable standards are met and recommends that the Plan Commission **Place the Conditional Use request On File** and recommend that Zoning Map Amendment 00095 rezoning the property from SR-C1 (Suburban Residential-Consistent 1) to SR-V2 and the proposed neighborhood plan amendment be forwarded to the Common Council with a recommendation to **Place on File**. The Plan Commission should specify the standards that it found not to be met should it not approve this request.

Should the Plan Commission and Common Council find the standards are met, then the Planning Division recommends that the approval be subject to the conditions recommended in this report. This recommendation is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

**Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

**Planning Division**

1. That as allowed by the Zoning Code, Section 28.182(5)(a)4, the Plan Commission recommends that the proposed zoning map amendment take effect only for the area depicted as the multi-family complex. The intent is that none of the areas depicted as single-family lots be included in the rezoning to SR-V2 (Suburban Residential-Varied 2). Further legal descriptions, to be approved by staff will be required. If the Plan Commission recommends an alternative location within the 1902 Tennyson Lane site, the specific area to be rezoned shall be clarified.
2. That the conditional use for a multi-family building complex shall be limited to the two-building, 72-unit complex as approved. Future alterations or expansions shall be approved as an alteration to this conditional use.
3. That no vents, louvers, or other projections related to any "wall-pack" HVAC units face street-facing elevations. No such features have been shown on the plans submitted for approval.
4. That the finished grade elevations are labeled on the elevation drawings and that the elevation drawings show an accurate relationship to the proposed grade. This information shall be provided for staff approval.
5. That plans submitted for sign-off shall include a narrative and graphical summary of any changes that were not included in the Plans approved by the Plan Commission and Common Council. Should changes be made, staff will advise on the process upon reviewing the submitted plans and this information.
6. That a plat be approved and recorded prior to final sign-off of the conditional use.
7. That the SR-V2 zoning shall expire and revert back to the SR-C1 district should a conditional use not be approved, lawfully commenced, and building permits issued within one year of the Common Council approval.
8. That the Urban Design Commission grant final approval prior to final sign-off of the conditional use.

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

9. The Site plan denotes proposed Lots that currently do not exist. The current proposed Certified Survey Map (CSM) has not yet been recorded, and shall be recorded. Subsequent to the recording of the current Certified Survey Map, a Preliminary Plat and Final plat will be required to be submitted with supporting information to the City of Madison Planning Department to create the Lot(s) denoted on the site plan. Upon obtaining approval of the Preliminary Plat after meeting any conditions by the City of Madison, the Final Plat shall be reviewed and approved after meeting any conditions by the City, recorded with the Dane County Register of Deeds and all new parcel land records information completed in appropriate City databases prior to issuance of any building permits.
10. The current site plan does not meet the requirements or contain all of the required information for parking lot / site plan reviews by the City of Madison. All subsequent submittals shall contain all required information.

11. Storm sewer to serve this development has not yet been designed. The applicant for this lot shall work with the Developer of the overall site to coordinate the storm sewer requirements for this lot and those for the entire development.
  12. The Applicant shall dedicate a public sidewalk and pedestrian easement and construct a public sidewalk along the east side of the property. The Applicant shall work with City Engineering and City Traffic Engineering to determine the location of the easement. The Applicant shall dedicate the 20ft wide public easement by either separate real estate document or with the proposed CSM or plat. The Applicant shall provide surety to cover the estimated cost of the sidewalk and bike path improvements and enter into a developer's agreement for the installation.
  13. The proposed CSM does not show the lot configuration for the single family lots as shown on the site plans. Modify the site plans accordingly to correspond to the proposed land division that is currently being sought. Prior to approval of the site plan either a CSM or plat must be recorded and a Developer's Agreement entered into to provide the public infrastructure necessary to serve this development.
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14. 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. (MGO 16.23(9)c)
  15. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
  16. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
  17. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@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.
  18. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
  19. The approval of this Conditional Use or PUD 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. (MGO 16.23(9)(d)(6))

20. 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)
21. 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)
22. 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)
23. All damage to the pavement on Tenneyson 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> (POLICY)
24. 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
25. 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.
26. 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 <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)

27. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Detain the 2 & 10-year storm events; b) Control 80% TSS (5 micron particle) off of new paved surfaces; c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; and 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 Chapter 37 of the Madison General Ordinances.
28. 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. (POLICY)

29. 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 [lzenchenko@cityofmadison.com](mailto: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)).

30. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
31. 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... and d) Sediment loading calculations.
32. 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>.
33. All outstanding Madison Metropolitan Sewerage District (MMSD) 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. (MGO 16.23(9)(d)(4))
34. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, of the land use approval. This property is subject to Sanitary Connection charges for the Traux-West Sanitary Sewer District. The current rate for 2013 is \$12.00/1000 sf of lot area.
35. 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)

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

36. The Applicant shall dedicate a public sidewalk and pedestrian easement and construct a public sidewalk along the east side of the property. The Applicant shall work with City Engineering and City Traffic

Engineering to determine the location of the easement. The Applicant shall dedicate the 20ft wide public easement by either separate real estate document or with the proposed CSM or plat. The Applicant shall provide surety to cover the estimated cost of the sidewalk and bike path improvements and enter into a developer's agreement for the installation.

37. Applicant shall provide a pedestrian connection from entrance of 30 unit building to Tennyson Lane. Walkway shall extend along south side of 30 unit building and along west side of development driveway connection to Tennyson Lane. This shall be in addition to the walkway provided on the East side of development's driveway from Tennyson Lane.

38. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

39. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

40. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

41. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

42. The subdivision plat has not been submitted, so these lots do not exist at the time of preparation of this report. Should the lots change at the time of platting, this project may require re-approval or alteration from this current approval.

43. The required short and long-term bicycle parking has not been provided for this development. Provide 85 bike parking stalls including guest stalls in a safe and convenient location on an impervious surface subject to section 28.141(11) to be shown on the final plan. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide details of bike rack.

44. The proposed playground will require detailed review and approval in regard to its design and the installation of recreational equipment.

45. The submitted plans do not clearly identify the project provides the minimum 36,000 sq. ft. of Useable Open Space (500 sq. ft. per dwelling unit). Of the total amount required, up to 75% may be on roof decks and balconies, with a minimum of 25% at ground level. Detention ponds, required front yards, parking areas, patios, areas of slope greater than 10% do not count toward this requirement.



46. The submitted site plan is not accurately dimensioned to determine if the proposed project meets zoning requirements. The northernmost building appears to project into the required 30' rear yard setback, but since no dimensions have been provided staff cannot determine the setback. NOTE: Plan Commission may reduce setback requirements for this development, provided that equivalent open space areas are provided. Since the open space is not clearly shown on the site plan, staff cannot determine this regulation is being met.

47. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal. No lighting information has been provided.

48. Pursuant to Sec. 28.142 (3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

49. Parking requirements for persons with disabilities must comply with City of Madison      Provide the minimum accessible stalls underground and surface accessible stalls with one being van accessible. General Ordinances Section 28.14 (4) (e) includes all applicable State accessible requirements.

**Fire Department** (Contact Bill Sullivan, 261-9658)

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

51. Provide the following information to the buyer of each individual lot: Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website:  
<http://www.homefiresprinkler.org/Consumer/ConsHome.html>

52. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.
- b. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
- c. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.

53. All portions of the fire lanes for newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.507 for additional information.

**Parks Division** (Contact Kay Rutledge, 266-4714)

54. The developer shall pay approximately \$269,858.88 for park dedication and development fees for the new 72 MF (two buildings) and 24 SF lot development. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.
55. The developer must select a method for payment of park fees before signoff on the demolition permit and/or rezoning.
56. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>
57. This development is within the Warner park impact fee district (SI21). Please reference ID# 13120 when contacting Parks about this project.

**Water Utility** (Contact Dennis Cawley, 261-9243)

58. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. This property is in Wellhead Protection Zone WP-27. This use is permitted in this district. Any proposed change in use shall be approved by the Water Utility General Manager or his designee.

The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

59. Metro Transit operates daily transit service along Tennyson Lane between North Sherman Avenue and Packers Avenue. Bus stop ID #5993 is across the street from the proposed project site along the south side of Tennyson Lane, just west of the Eliot Lane intersection. An additional bus stop location is on the south side of Tennyson Lane, just west of the Packers Avenue intersection.
60. Direct pedestrian access between the multi-family residential units and the location of bus stop ID #5993 is blocked by the single-family lots fronting along Eliot Lane and Tennyson Lane. An additional pedestrian connection between these single-family lots, towards the corner of Tennyson Lane and Eliot Lane, would reduce the walking distance between the multi-family units and this bus stop location.