

## PLANNING DIVISION STAFF REPORT

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AUGUST 12, 2015 URBAN DESIGN COMMISSION

AUGUST 24, 2015 PLAN COMMISSION



**Project Address:** 6851 McKee Road  
**Application Type:** Zoning Map Amendment  
**Legistar File ID #** [39299](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

### Summary

**Applicant:** Michael Morey, Oakbrook Corporation; 2 Science Court; Madison.

**Property Owner:** Mad Grove, LLC c/o Livesey Company; 2248 Deming Way, Suite 200; Middleton.

**Contact Person:** J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

**Requested Action:** Approval of a request to rezone 6851 McKee Road from PD-GDP (Planned Development District–General Development Plan) to PD-SIP (Planned Development District–Specific Implementation Plan) and approval of a Specific Implementation Plan to allow construct two apartment buildings containing 80 units.

**Proposal Summary:** The 80 units will be constructed in two three-story buildings that will surround a central surface parking lot. The subject site is located along the McKee Road frontage of the larger 14-acre Planned Development district west of a future north-south private drive to serve the development. Commencement of the project is scheduled to occur in fall 2015, with completion in fall 2016.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. The approval process and standards for Planned Development districts is outlined in Section 28.098 of the Zoning Code.

**Review Required By:** Urban Design Commission, Plan Commission and Common Council.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00179, rezoning 6851 McKee Road from PD-GDP to PD-SIP and approving a Specific Implementation Plan for an 80-unit apartment development, to the Common Council with a recommendation of **approval** following a recommendation by the Urban Design Commission and subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

### Background Information

**Existing Conditions and Land Use:** The overall planned development occupies approximately 14 acres of land generally located at the southwestern corner of McKee Road (CTH PD) and Maple Grove Drive; Aldermanic District 7 (King); Madison Metropolitan and Verona Area school districts. The proposed apartment development will occupy approximately 3 acres located at the western edge of the 14-acre PD district on the south side of McKee Road.

**Surrounding Land Use and Zoning:**

North: Chester Creek Townhomes, zoned PD; Family Video, zoned CC-T (Commercial Corridor–Transitional District);

South: Stone Creek Apartments on the north side of East Pass, zoned SR-V2 (Suburban Residential–Varied 2 District) and PD;

West: Four- and six-unit apartment and condominium buildings along Stonecreek Drive, zoned SR-V1 (Suburban Residential–Varied 1 District) and SR-V2;

East: Undeveloped land for future mixed-use development within this PD; across Maple Grove Drive: Walgreens, Cops and multi-tenant retail/ commercial, and Westin Place Apartments, all zoned PD.

**Adopted Land Use Plan:** The Comprehensive Plan generally identifies the subject site and overall PD district for future Neighborhood Mixed-Use development. The neighborhood mixed-use recommendation also encompasses the commercially developed properties on the other three corners of the McKee Road/ Maple Grove Drive intersection. The intersection is also generally identified in the Comprehensive Plan for future Transit-Oriented Development.

The 1993 Cross Country Neighborhood Development Plan recommends the site to be developed with the 80 apartment units and the remainder of the McKee Road frontage west of Maple Grove Drive for commercial-offices uses related to the 1995 approval of that site for a medical-office campus. That portion of the site was previously recommended for medium-density residential uses.

**Environmental Corridor Status:** The overall planned development is not located within a mapped environmental corridor (see Maps B12 and C12)

**Public Utilities and Services:** This property is served by a full range of urban services. Metro Transit operates limited peak hour transit service on weekdays along Stonecreek Drive and East Pass, west and south of this project. All-day and weekend transit service is approximately a half-mile north on Carnwood Road at McKenna Boulevard.

**Zoning Summary:** The subject property is zoned PD. The proposed alteration will be reviewed in the following section.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Adjacent to Landmark
<i>Prepared by: Planning and Zoning staff</i>	

**Previous Approvals**

On December 19, 1995, the Common Council approved a request to rezone approximately 36 acres located at the southwestern corner of McKee Road and Maple Grove Drive from Temp. A to R4 and R5 (General Residence Districts) and PUD-GDP [1966 Zoning Code] and the preliminary plat of the East Pass Addition to Country Grove subdivision, which created four PUD-GDP-zoned lots along McKee Road for future medical-office development as well as various lots to the south and west for primarily multi-family residential development. The final plat of East Pass Addition to Country Grove was approved by the Council on July 2, 1996 and was recorded on July 24,

1996. The final plat includes a 30-foot building line parallel to McKee Road and a restriction limiting the McKee Road frontage to one driveway access.

On January 19, 2010, the Common Council approved a request to rezone approximately 5.65 acres of land located at 6901-6921 McKee Road from PUD-GDP to PUD-GDP to allow the future construction of an 80-unit senior apartment building. On March 2, 2010 meeting, the Common Council approved a request to rezone the remainder of the overall 14-acre site, addressed as 6701-6801 McKee Road and 3210 Maple Grove Drive, from Temp. A (Agriculture District), R1 (Single-Family Residence District) and PUD-GDP to PUD-GDP to allow the future construction of 110 apartments in 4 residential buildings and up to 90,000 square feet of retail in 6 commercial buildings.

On January 17, 2012, the Common Council approved a request to rezone 3210 Maple Grove Drive from PUD-GDP to PUD- SIP to allow demolition of a church/ school and construction of 106 multi-family residential units in four buildings.

On January 12, 2015, the Plan Commission approved an alteration to an approved Planned Development-General Development Plan to allow an 80-unit senior apartment building previously approved for development at 6901-6921 McKee Road to be developed as family-oriented housing.

## **Project Description, Analysis and Conclusion**

The applicant is requesting approval of a Specific Implementation Plan to allow construction of 2 apartment buildings containing 80 units on the western 3 acres of a larger 14-acre Planned Development district located in the southwestern quadrant of the McKee Road (CTH PD) and Maple Grove Drive intersection. The portion of the 14-acre site to be developed with the 80-unit apartment development as well as the remainder of the McKee Road frontage of the site is currently undeveloped. The 80-unit development was awarded Section 42 affordable housing tax credits from the Wisconsin Housing & Economic Development Authority (WHEDA) as well as funding from the City's Affordable Housing Initiative.

The northern of the 2 buildings will be L-shaped and include 51 of the proposed units, with the north and east facades to respectively parallel McKee Road and Golden Copper Lane, a north-south private drive to be constructed between McKee Road and Mader Drive, an east-west private drive that extends across the Planned Development district and also provides access to the adjacent 302-unit Stone Creek Apartments complex to the south of the subject site. Per the 2010 approval for the overall Planned Development, Golden Copper Lane will provide ingress and egress to and from eastbound McKee Road and ingress from westbound McKee. However, no westbound turn movement from the site was permitted by the Dane County Department of Public Works, Highways & Transportation, which has jurisdiction over McKee Road as a county trunk highway. Parking for 51 cars is proposed beneath the 51-unit building, with access to the parking garage from the driveway that will serve the 3-acre apartment site from the north-south drive. South of the driveway, the remaining 29 units proposed will be located in a building that overlooks an adjacent private stormwater management facility that serves the overall planned development. Underground parking for 29 cars will be provided beneath the southern building. Surface parking for 41 vehicles will be located in the courtyard between the two buildings.

The 80 units proposed will consist of 34 one-bedroom apartments, 33 two-bedroom apartments, and 13 three-bedroom apartments. The letter of intent indicates that the 80 units will be a mix of affordable and market-rate dwellings targeted to families, seniors, persons with disabilities, and persons requiring supportive services to live independently. A management office will be located on the first floor of the northern building, and a community

room and outdoor terrace and exercise room are proposed on the first floor of the southern building. A play area is proposed west of the surface parking lot (details of the play area can be found on Sheet L-2.0, with additional information included in the management plan submitted with the application materials).

In reviewing the proposed Specific Implementation Plan, the Planning Division believes that the standards for approval can be met. The proposed 80-unit apartment complex is consistent with the General Development Plan approved by the Common Council in 2010 and as amended by the Plan Commission in January 2015, which if fully implemented as approved, will continue implementation of the transit-oriented, neighborhood mixed-use development envisioned for the site by the Comprehensive Plan.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00179, rezoning 6851 McKee Road from PD-GDP to PD-SIP and approving a Specific Implementation Plan for an 80-unit apartment development, to the Common Council with a recommendation of **approval** following a recommendation by the Urban Design Commission and subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

1. The “Permitted Uses” section of the zoning text shall be revised to state: “Multi-family dwellings as shown on the approved plans and accessory uses related thereto”.
2. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Urban Design Commission and Plan Commission. Any exterior-mounted electric or gas equipment, including meters, shall be sited internally to the development so as not to be visible from McKee Road, Golden Copper Lane, or Mader Drive.

### **The following conditions have been submitted by reviewing agencies:**

#### City Engineering Division (Contact Janet Schmidt, 261-9688)

3. The private sanitary sewer and water main that serve the pending CSM lots will require an easement agreement that dictates the rights and responsibilities of the property owners. This agreement will be reviewed and approved by City Engineering and recorded on at the Register of Deeds.
4. The existing infiltration pond system seems to be in need of repair/maintenance. The applicant shall document the condition and submit a repair plan to City Engineering prior to final approval.
5. The private driveway has been named Golden Copper Lane. The northerly 51-unit building has an address of 3204 Golden Copper Lane; the southerly 29-unit building has an address of 3228 Golden Copper Lane.
6. The pending CSM application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded

CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.

7. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in Engineering Mapping (Lzenchenko@cityofmadison.com) so that an 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.
8. The applicant shall be aware that reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and other items will be required to be drafted, reviewed and recorded prior to issuance of any new building permit for this site.
9. 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 5.0-tons per acre per year.
10. This site appears to disturb over 1 acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortved of the WDNR at 273-5612 to discuss this requirement.
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide oil and grease control from the first 1/2" of runoff from parking areas, 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 MGO.
12. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
13. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5 x 14" size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff has reviewed the draft document and approved it with any required revisions, submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft SWMA document can be emailed to Tim Troester (west) at

[ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict (east) at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com). The final document and fee should be submitted to City Engineering.

14. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
15. 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.

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

16. The site plan as submitted along with the additional site plans submitted as part of this development are likely to impact public infrastructure facilities including providing adequate traffic flow at the Maple Grove Drive-McKee Road Intersection. The applicant upon submittal of site plan located on the north east corner of the development shall plan on providing a CSM to dedicate right of way for future roundabout to allow mitigation of the traffic impacts of the development.
17. It is recommended to push bicycle parking facilities away from pedestrian walkways and include a 2-foot buffer to prevent encroachment. This occurs when the bicycle is incorrectly stored, when a bicycle has attachments such as trailers or when the bicyclist parks/retrieves the bicycle.
18. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
19. 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.
20. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
21. 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.
22. All parking facility design shall conform to the standards in MGO Section 10.08(6).

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

23. Provide 94 bike parking spaces in a safe and convenient location on an impervious surface to be shown on the specific implementation plan for the apartments (1 per dwelling unit plus one visitor space per 10 required spaces, visitor stalls shall be in a convenient and visible area within 100 feet of a principal entrance). Stalls shall be distributed as both *Short Term* and *Long Term* bicycle parking, as required per MGO Sections 28.141(3) and 28.141(11). Provide a detail of the bike rack design including any wall mounts. NOTE: Current code requires a maximum of 25% of the bike parking spaces may be structured bike parking (wall-mount or stacked). Identify and dimension required stalls on the final plan. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide a detail of the bike rack to be installed with the final plans.
24. Submit the landscape plan stamped by the registered landscape architect. Per Section 28.142(3), landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
25. Provide street frontage landscaping per Section 28.142(5) along McKee Road. Note that trees located within the right-of-way do not count toward the required street frontage landscaping.

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

26. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Sec. 34.503. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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

27. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21. The Water Utility will not need to sign off the final plans for the building, and will not need a copy of the approved plans.

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

28. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the development. This development is within the Elver park impact fee district (SI31). Please reference ID# 10127.1 when contacting Parks Division staff about this project.

29. 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.

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

This agency did not provide comments for this request.