



PREPARED FOR THE PLAN COMMISSION

Project Address: 304 Lakota Way (9th Alder District, Alder Conklin)
Application Type: Conditional Use
Legistar File ID #: [74544](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Owner: Ryan McMurtie; United Financial Group, LLC; 660 W Ridgeview Drive, Appleton, WI 54911

Contact: Kevin Burrow; Knothe & Bruce Architects; 7601 University Avenue, Suite 201, Middleton, WI 53562

Requested Action: Consideration of a conditional use in the Suburban Residential-Varied 2 (SR-V2) District to allow a residential building complex at 304 Lakota Way.

Proposal Summary: The applicant is requesting approval of a residential building complex to develop 20 dwelling units in five (5) four-unit buildings.

Applicable Regulations & Standards: Table 28C-1 in Section 28.032(1) of the Zoning Code identifies residential building complexes as a conditional use in the SR-V2 District. Section 28.183 provides the process and standards for the approval of conditional uses. Residential building complexes are subject to the Supplemental Regulations in Section 28.151. Review by the Urban Design Commission of the residential building complex is required per Section 33.24(4)(c) of the Urban Design Commission ordinance.

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to construct a residential building complex in the Suburban Residential-Varied 2 (SR-V2) District at 304 Lakota Way. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 96,385 square-foot (2.2-acre) parcel is bounded by Elderberry Road, Lakota Way and Paragon Street. It is located within Alder District 9 (Alder Conklin) and the Middleton/Cross Plains School District.

Existing Conditions and Land Use: Undeveloped land, zoned Suburban Residential-Varied 2 (SR-V2) District.

Surrounding Land Use and Zoning:

North: Across Elderberry Road, single family residences, zoned Traditional Residential-Consistent 1 (TR-C1) District and Suburban Residential-Consistent 2 (SR-C2) District; undeveloped land in the Town of Middleton;

East: Across Lakota Way, undeveloped land, zoned Traditional Residential-Varied 2 (TR-V2) and Traditional Residential – Urban 1 (TR-U1);

South: Across Paragon Street, undeveloped land, zoned Suburban Residential-Varied 2 (SR-V2) District and TR-U1 District; three multifamily residential buildings, zoned SR-V2 District; Blackhawk Church, zoned PD;

West: Undeveloped land, zoned SR-V2 District and Agriculture (A) District.

Adopted Land Use Plan: The 2018 [Comprehensive Plan](#) recommends Low Residential (LR) which generally includes a density of less than 15 units per acre. The 2018 [Elderberry Neighborhood Development Plan](#) recommends Residential Housing Mix 1 (HM1) with a density of less than eight units per acre generally recommended. More information on the housing types and design recommendations for the HM1 district are included in the 'Analysis' section of this report.

Zoning Summary: The property is zoned Suburban Residential-Varied 2 (SR-V2) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	1,500 sq. ft./d.u. (30,000 sq. ft.)	96,385 sq. ft.
Lot Width	60'	140.58'
Front Yard Setback	25'	25'+ Paragon St
Side Yard Setback	10'	12'+ Lakota Way Adequate west side
Reverse Corner Side Yard Setback	12'	N/A
Rear Yard Setback	Lesser of 25% lot depth or 30'	30'+
Usable Open Space	160 sq. ft./one bedroom, 320 sq. ft./2+ bedrooms (6,400 sq. ft.)	27,101 sq. ft.
Maximum Lot Coverage	60%	56%
Maximum Building Height	3 stories/ 40'	2 stories/ 32'7"

Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (20)	40 garage stalls (17)
Accessible Stalls	None	None
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (30) 1 guest space per 10 units (2) (32 total)	40 garage stalls 4 surface stalls (44 total)
Landscaping and Screening	Yes	Yes (18)
Lighting	Yes	Yes
Building Forms	Yes	Small multi-family building (19)(20)

Other Critical Zoning Items		
Urban Design	Yes	Residential Building Complex
Barrier Free (ILHR 69)	Yes	
Utility Easements	Yes	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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 with the exception of Metro Transit.

Project Description

The applicant is requesting approval of a residential building complex to develop five (5) two-story, four-unit residential buildings for a total of 20 units. The 2.2-acre site is bounded by Elderberry Road, Lakota Way and Paragon Street with agricultural land to the west.

Each townhouse has three bedrooms, private patio space, and a two-car garage. Buildings are accessed by driveways along Elderberry Road, Lakota Way and Paragon Street. There are three building types and two material palettes with masonry, composite siding, and cast stone accent elements.

Supplemental Regulations

Residential building complexes, which are defined as “a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management” are conditional uses in the TR-V2 District and are subject to the following supplemental regulations in Section 28.151 of the Zoning Code (as applicable):

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (g) Shall be reviewed by the Urban Design Commission pursuant to Sec. 33.24(4)(c), MGO.
- (h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
- (i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.

Analysis and Conclusion

Conformance with Adopted Plans

The density of the 20-unit complex is 9.1 units per acre. The proposed density is within the density range allowed in the existing SR-V2 zoning of up to 29 units per acre for attached single family dwellings up to eight units. Attached single family dwellings up to eight units is a permitted use in the SR-V2 district.

The proposed density is also within the less than 15 units per acre density recommended by the 2018 Comprehensive Plan. Low Residential (LR) areas are predominantly made up of single-family and two-unit

structures. Smaller two-, three-, and four-unit apartment buildings and row houses may be compatible with the LR designation, especially when specified within an adopted neighborhood or special area plan and when constructed to fit within the general “house- like” context LR areas.

The proposed density is slightly more than density recommended by the 2018 Elderberry Neighborhood Development Plan, which identifies the subject site at Housing Mix 1 (HM1). HM1 generally recommends less than 8 units per acre. HM1 is recommended as a predominately single family designation, although other housing types compatible with single-family homes, including duplexes, four units, and townhouses are also recommended. Larger groupings of duplexes, four units, and townhouses should be located closer to the Residential Housing Mix 2 (HM2) or Residential Housing Mix 3 (HM3) districts. The subject site is located across the street from the HM2 district.

The proposed development with four-unit residential buildings generally reflects the density, bulk, and building characteristics recommended in HM1. It would add to the mix of housing types in this neighborhood, which currently consists of single family and larger multifamily residential buildings.

Urban Design Commission Recommendation

The Urban Design Commission reviewed the proposed residential building complex at its December 14, 2022 meeting and recommended “approval” with no conditions.

Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

The Planning Division believes the conditional use standards can be found met.

In closing, the Planning Division believes that the Plan Commission may find that the conditional use standards and supplemental regulations met are met to approve a conditional use for a residential building complex at 304 Lakota Way.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use—residential building complex at 304 Lakota Way subject to input at the public hearing, and the conditions that follow.

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

Engineering Division (Contact Tim Troester, 267-1995)

1. All impervious area from this development shall be discharged to Lakota Way not to the rear of the lots.

2. This development is subject to impact fees for the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District. All impact fees are due and payable at the time building permits are issued (MGO Ch 20). Add the following note on the face of the plans: LOTS / BUILDINGS WITHIN THIS DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.

3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) 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). MMSD are due if not paid for with the plat.

4. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

5. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 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 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>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

6. Complete Right of Way improvements per Paragon Place Addition No. 1 - Phase 2 Developer Agreement (City contract #9205).

7. Revise the site plan 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)

8. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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.

9. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Traffic Engineering (Contact Sean Malloy, 266-5987)

10. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
11. 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.
12. 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.
13. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
14. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
15. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.

Zoning (Contact Jenny Kirchgatter, 266-4429)

16. Show the building setback distances as measured from the buildings to the property lines.
17. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (4 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.
18. Verify whether City issued trash containers will be used by residents of the development. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a

gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building. Note that City issued trash containers are not required to be screened.

19. Submit the second floor plan for building 5.
20. For any building or structure over 10,000 sq. ft. in size (floor area of above-grade stories), bird-safe glass treatment is required per Section 28.129. Verify the floor area of the individual buildings and whether bird-safe glass will be required.
21. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Parks Division (Contact Ann Freiwald, 243-2848)

22. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Westl Park-Infrastructure Impact Fee district. Please reference ID# 13117.5 when contacting Parks about this project.

Forestry Section (Contact Brandon Sly, 266-4816)

23. As defined by Madison General Ordinance 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

Water Utility (Contact Jeff Belshaw, 261-9835)

24. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City- Developer agreement. Applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.
25. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat/CSM per MGO 16.23(9)(d)(3).
26. The proposed Utility Plan will require a Wisconsin DNR Water Main Extension review and approval prior to water main construction commencing. Submittal requirements are a Professional Engineer stamped utility plan and profile drawing. Madison Water Utility can submit the plan set on behalf of the developer. Contact Jeff Belshaw at Jbelshaw@madisonwater.org or 608-261-9835 for more information.

City Engineering Division – Mapping Section (Contact Julius Smith, 264-9276)

27. Confirm with current utility companies have the rights to serve area and provide the confirmation that the placement of overstory trees and bike racks will be allowed within the limits of the 12' Public Utility Easements and that proposed grading within.

28. Submit a site plan and a complete set of building Floor Plans (for each individual building) in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings.

The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering.

Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

The following agencies reviewed the request and recommended no conditions of approval: Fire Department and Metro Transit.