



PREPARED FOR THE PLAN COMMISSION

Project Address: 7601 Ganser Way
Application Type: Conditional Use
Legistar File ID # [92237](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Jon Kenman, 7601 Ganser Way, LLC; PO Box 5562; Madison.

Contact Person: AJ Robitschek, Angus-Young Associates, Inc.; 316 W Washington Avenue, Suite 800; Madison.

Requested Action: Consideration of a conditional use in the Regional Mixed-Use (RMX) District and Transit-Oriented Development (TOD) Overlay District for outdoor recreation (pool) to serve a six-story, 134-unit multi-family dwelling at 7601 Ganser Way.

Proposal Summary: The applicant is requesting approval of a conditional use for outdoor recreation to allow a pool to be constructed as part of a proposed six-story, 134-unit multi-family dwelling to be located on the approximately 1.0-acre parcel located on the south side of Ganser Way between Mineral Point Road and D’Onofrio Drive. The proposed multi-family dwelling is a permitted use in the RMX zoning district and TOD zoning overlay. An existing two-story office building currently located on the site will be demolished. Finally, a one-lot Certified Survey Map has been approved to dissolve an underlying lot line to accommodate the proposed building. Construction of the proposed building is scheduled to commence in March 2027, with completion anticipated sometime in summer 2028.

Applicable Regulations & Standards: Table 28D-2 in Section 28.061(1) of the Zoning Code identifies multi-family dwellings as a permitted use in the RMX (Regional Mixed-Use) zoning district with no limit on the number of units. The proposed pool will be accessory to the multi-family dwelling and is considered outdoor recreation, which is a conditional use in RMX zoning subject to supplemental regulations in Section 28.151.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for outdoor recreation (pool) for a multi-family dwelling to be located at 7601 Ganser Way subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 4** of this report.

Background Information

Parcel Location: The subject site is a 0.98-acre parcel located on the south side of Ganser Way between Mineral Point Road and D’Onofrio Drive; Alder District 9 (Pritchett); Madison Metropolitan School District.

Existing Conditions and Land Use: Two-story office building and surface parking, zoned RMX (Regional Mixed-Use District) and located in the Transit-Oriented Development (TOD) Overlay District.

Surrounding Land Use and Zoning:

North: Three-story office building (Oak Park Dental, et al), one-story multi-tenant commercial building (Mox Mania, Icki Sticki), and Uno Terrace Apartments, zoned PD;

South: High Point Commons Apartments, zoned SR-V2 (Suburban Residential–Varied 2 District);

West: Two-story office building and Dupaco Credit Union, zoned RMX (Regional Mixed-Use District); and

East: Two-story office building, zoned RMX; multi-tenant commercial center (HyVee Wine & Spirits, Dollar Tree, Pilgrim Cleaners, et al), zoned PD.

Adopted Land Use Plans: **Adopted Land Use Plan:** The 2024 [West Area Plan](#) recommends the subject site and nearby properties along Ganser Way for Regional Mixed-Use (RMU), while the apartment complex to the south is recommended for Medium Residential (MR).

Zoning Summary: The site is zoned RMX (Regional Mixed-Use District) and is located in the Transit-Oriented Development (TOD) Overlay District. RMX zoning typically limits the height of new buildings to five stories and 78 feet by-right, with additional height allowed with conditional use approval. However, the TOD overlay increases the permitted building height to eight stories and 116 feet, which makes the proposed six-story multi-family dwelling a permitted use. Conformance with the bulk requirements applicable to the proposed building (setbacks, lot coverage, parking, etc.) will be determined separately from consideration of the conditional use.

Other Critical Zoning Items	
Yes:	Barrier Free, Utility Easements, Transit-Oriented Development (TOD) Overlay
No:	Urban Design, Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, Landmarks
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>	

Environmental Corridor Status: The subject site is located in the Central Urban Service Area. There are no environmental corridors mapped on the subject site.

Public Utilities and Services: The subject site is served by a full range of urban services, including Metro Transit, which provides trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays). The subject site is located approximately one block from Bus Rapid Transit Route A and the BRT stop at High Point Road. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 85 Weekday and 64 Weekend. Please contact Metro Transit if additional analysis would be of interest.

Supplemental Regulations

“Outdoor Recreation” is defined in the Zoning Code as “[a] facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, *swimming pool*, water park, an outdoor stage, band shell, or amphitheater” (emphasis added). A pool for a multi-family dwelling is considered an accessory use. The following supplemental regulations are outlined in Section 28.151 of the Zoning Code for Outdoor Recreation:

- (a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.

- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed 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.

Project Description, Analysis and Conclusion

The applicant is requesting conditional use approval for a pool to serve a six-story, 134 multi-family dwelling to be developed on an approximately 1.0-acre parcel located at 7601 Ganser Way. The proposed building will replace a two-story office building on the subject site; the demolition approval for the existing building is pending. The proposed multi-family dwelling is a **permitted use** in the existing RMX zoning district and TOD zoning overlay, which allows multi-family dwellings of any density in buildings up to eight stories and 116 feet in height by right.

The proposed building will be an inverted “U” with a courtyard oriented to the south. The proposed pool and deck will be located at the southwestern corner of the proposed building adjacent to a community room on the first floor. A “pool policies” document attached to the letter of intent indicates that the pool will be open from 8:00 AM to 10:00 PM typically during “designated pool season” from Memorial Day until Labor Day. The application materials indicate that the pool will be available for tenants of the multi-family dwelling and their guests and not be open to the general public. The pool area will be enclosed by a six-foot tall decorative metal fence, with a combination of ornamental deciduous trees and conifers proposed between the pool deck fence and the southern property line abutting an existing multi-family residential building complex. A lighting plan provided with the application materials indicates that lighting for the pool area will primarily be wall-mounted, with zero (0) footcandles indicated at the adjacent property line. The nearest residential building in the adjacent complex is approximately 30 feet from the southern property line of the subject site.

The pool, which in this case is accessory to the multi-family dwelling, meets the definition of outdoor recreation in the Zoning Code and requires conditional use approval. Outdoor recreation is subject to supplemental regulations as outlined in Section 28.151 of the Zoning Code, which are included above.

The Planning Division believes that the Plan Commission may find that the conditional use standards and supplemental regulations for outdoor recreation can be met to approve the proposed pool. However, staff feels that a conservative approach should be taken in approving the pool due to its proposed location in the southwestern corner of the site adjacent to an existing multi-family complex, which includes dwelling units in close proximity to the southern property line of the subject site and proposed pool. If the pool was placed on the Ganser Way Side of the building or in a side yard, staff would likely be less concerned. In order to minimize the effects of lighting and noise on surrounding properties consistent with supplemental regulation (c), staff recommends that the six-foot ornamental fence proposed along the southern edge of the pool area be replaced with a six-foot tall solid fence or wall. Staff feels that a solid enclosure will be more effective at limiting noise and light impacts from the pool on the residential property to the south while also providing more privacy for pool users. Staff recommends that the enclosure along the southern edge of the pool area be either wood, masonry, or fiber cement to match the exterior of the multi-family dwelling, with final details to be determined by the applicant and staff prior to final approval of the plans for the pool. Additionally, staff recommends a prohibition

on amplified sound in the pool area, both from fixed speakers and portable personal speakers, to limit noise impacts on the existing residential property to the south.

As with any conditional use, the Plan Commission retains continuing jurisdiction in the event that complaints are received about the proposed pool, which could result in more restrictive conditions being applied if deemed necessary following the process outlined in Section 28.183 of the Zoning Code.

In addition to the conditions recommended by the Planning Division to aid in the supplemental regulations being met for the pool, conditions have been provided by reviewing agencies, which are included in the following section. However, consistent with the scope of this review being limited to the outdoor recreation conditional use, agency comments in the following section are limited to the pool. Any comments on the proposed multi-family dwelling itself are not included, with those comments instead being directed to the permitted use site plan approval being managed separately by the Zoning Administrator pursuant to Section 28.186 of the Zoning Code. Likewise, a one-lot Certified Survey Map to combine underlying parcels into one lot for the proposed building has been submitted and approved separately from the conditional use for the pool.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for outdoor recreation (pool) for a multi-family dwelling to be located at 7601 Ganser Way subject to input at the public hearing and the following conditions:

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

Planning Division

1. Given the proximity of the proposed pool and pool deck to the southern property line and adjacent residential uses, to ensure adequate privacy for pool users, and to attenuate noise from the pool area, the six-foot ornamental fence along the southern edge of the pool area shall be replaced with a six-foot tall solid fence or wall to be approved by the Director of the Planning Division or designee prior to final approval and issuance of permits for the pool and pool deck. The Planning Division recommends that the enclosure along the southern edge of the pool deck be wood, masonry, or fiber cement to match the exterior of the multi-family dwelling.
2. Consistent with the materials provided with the conditional use request, the hours of operation for the pool shall be 8:00 AM to 10:00 PM seven days a week. Use of the pool outside these hours is not allowed. Any revision to the approved hours of operation for the proposed pool shall require approval of an alteration to the conditional use to be approved by the district alder and Director of the Planning Division or the Plan Commission.
3. Amplified sound (including by personal portable speakers) shall not be permitted in the pool area unless allowed as an alteration to the conditional use approved by the district alder and Director of the Planning Division or the Plan Commission. A note regarding this prohibition on amplified sound shall be included in the final pool policies document, which shall be approved by the Planning Division and kept on file with the Zoning Administrator.

4. Include the address and project name on the final pool policies document, which shall be kept on file with the Zoning Administrator. [There is currently a blank for this information in the draft policies.]

City Engineering Division (Contact Kathleen Kane, (608) 266-4098)

5. The applicant shall provide additional detail on the type of pool filter this is planned for the site and the discharge location proposed when draining the pool. If pool discharge is planned to the sanitary sewer system, the applicant shall limit discharge rate to 50 gallons per minute (GPM) to prevent the City sanitary sewer system going over capacity.
6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
7. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division 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 Division sign-off.
8. 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.
9. The increase in population density will result in increased wastewater flows. The increase in wastewater flow may result in the need for offsite sewer improvements by the developer as a condition for development. The applicant shall provide projected wastewater flow calculations for the proposed development to Mark Moder, mmoder@cityofmadison.com as a condition of plan approval.

City Engineering Division—Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

This agency reviewed this request and has recommended no conditions of approval.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

This agency reviewed this request and has recommended no conditions of approval.

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

10. A Transportation Demand Management (TDM) Plan is not required as part of the conditional use review for the proposed outdoor recreation use. TDM Plan review and approval will be part of the permitted use site plan review (LNDSPR-2026-00043).

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

This agency reviewed this request and has recommended no conditions of approval.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

This agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Izzy Wilde, (608) 261-9671)

This agency reviewed this request and has recommended no conditions of approval for the conditional use.

Forestry Section (Contact Zachary Eckberg, zeckberg@cityofmadison.com)

This agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency reviewed this request and has recommended no conditions of approval.