



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 9604 Wilrich Street  
**Application Type:** Alteration to Conditional Use—Residential Building Complex  
**Legistar File ID #** [56394](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant & Property Owner:** Ryan McMurtrie, United Financial Group/ Paragon Place at Bear Claw, LLC; 660 W. Ridgeview Drive; Appleton.

**Requested Actions:** Consideration of an alteration to a conditional use for a multi-family dwelling with more than eight units in SR-V2 (Suburban Residential—Varied 2 District) zoning; consideration of a major alteration to an approved conditional use-residential building complex in SR-V2 zoning, to increase the allowed density of the project from 145 units to 158 units in four apartment buildings.

**Proposal Summary:** The applicant is requesting to amend the plans for a four-building multi-family residential building complex to allow the last of the four buildings on the site to be constructed as a 45-unit building instead of the 32-unit building previously approved. The applicant wishes to construct the building in spring 2020, with completion of the building and complex scheduled for 2021.

**Applicable Regulations & Standards:** Table 28C-1 in Section 28.032(1) of the Zoning Code identifies multi-family dwellings with eight (8) or more units and residential building complexes as conditional uses in SR-V2 (Suburban Residential—Varied 2 District) zoning, subject to supplemental regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits. 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 the standards met and **approve** an alteration to a conditional use—residential building complex at 9604 Wilrich Street subject to the Urban Design Commission approval of the residential building complex, input at the public hearing, and the conditions from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** The subject site is an approximately 8.9-acre block bounded by Bear Claw Way, Wilrich Street, Paragon Street and future Chaska Drive, approximately a quarter-mile north of Mineral Point Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District.

**Existing Conditions and Land Use:** Paragon Place at Bear Claw Way Apartments, zoned SR-V2 (Suburban Residential—Varied 2 District).

**Surrounding Land Use and Zoning:**

North: Undeveloped land in the Paragon Place development, zoned TR-V2 (Traditional Residential–Varied 2 District) and TR-U1 (Traditional Residential–Urban 1 District);

South: Blackhawk Church and undeveloped lots south of Wilrich Street in the Blackhawk Church Town Center development, zoned PD;

East: Single-family residences in the Woodstone subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

West: Undeveloped land, zoned SR-V2 (Suburban Residential–Varied 2 District).

**Adopted Land Use Plans:** The 2018 [Elderberry Neighborhood Development Plan](#) recommends that the subject site and most of the overall Paragon Place development be developed in Residential Housing Mix 2 (HM2), which is generally recommended for development between 8-20 units per acre.

The subject site and larger subdivision are recommended for Low-Medium Residential in the 2018 [Comprehensive Plan](#), with a density range between 7-30 units per acre generally recommended.

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

**Public Utilities and Services:** The site will be served by a full range of urban services as it develops with the exception of Metro Transit, which currently does not provide service west of Pleasant View Road and Junction Road. The proposed development is outside Metro Transit's paratransit service area. The closest bus stop with scheduled bus service is over 1.5 miles walking distance, and the parcels would be greater than the three-quarter-mile regulatory distance from all day scheduled service for passengers who might be eligible for door-to-door paratransit service.

**Zoning Summary:** The following bulk requirements apply in SR-V2 (Suburban Residential–Varied 2 District):

Requirements for:	Required	Proposed
Lot Area (sq. ft.)	2,000 sq. ft. per unit (290,000 sq. ft.)	386,616 sq. ft.
Front yard setback	25'	25.17'
Side yard setback	10'	25' on north and south yards
Rear yard	Lesser of 25% of lot depth or 30'	32.8'
Usable open space	500 sq. ft. per unit (72,500 sq. ft.)	127,959 sq. ft.
Maximum lot coverage	60%	43.8%
Maximum Building Height	4 stories/ 52'	3 stories/ 44'
Automobile parking:	1 per unit (158)	149 surface stalls, 167 underground stalls (316 total stalls)
Loading	N/A	0
Bicycle parking	1 per unit up to 2-bedrooms, half space per add. bedroom (158) 1 guest space per 10 units (16) (174)	27 surface stalls, 168 underground stalls (195 total stalls)
Building Form	Large Multi-Family Building	Will comply

Other Critical Zoning Items	
Yes:	Urban Design (Residential Building Complex), Barrier Free, Utility Easements
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Parkland
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>	

## Previous Approvals

On May 21, 2013, the Common Council approved an amended request to rezone 33.2 acres of property located at 9601 Elderberry Road from A (Agricultural District) to TR-U1 (Traditional Residential–Urban 1 District), SR-V2 (Suburban Residential–Varied 2 District) and TR-V2 (Traditional Residential–Varied 2 District), and approved the preliminary plat of *Highlands Community* with six lots for future residential development, one lot for unspecified future development, and two outlots to be dedicated for stormwater management. Approximately 6.8 acres of the former 40-acre Ziegler property was left in A zoning pending a more definitive plan for the development of that portion of the site. A conceptual plan submitted with the zoning request called for future development of the proposed lots with up to 390 dwelling units.

On March 18, 2014, the Common Council approved a revised preliminary plat proposing seven lots for future residential development with up to 390 dwelling units, one outlot for future development, and one outlot for public stormwater management, and approved a final plat creating two lots for residential development and the outlot for public stormwater management. The final plat of *Paragon Place* was recorded on September 8, 2014.

On June 8, 2015, the Plan Commission approved a conditional use for a residential building complex to allow construction of 145 apartments in four three-story buildings and a clubhouse on property generally addressed as 9603-9605 Paragon Street (Lot 1, Paragon Place).

On October 8, 2015, a Certified Survey Map to divide Lot 1 of Paragon Place into two lots was administratively approved by the Planning Division; the Common Council approved a resolution approving the CSM on October 6, 2015. The CSM was recorded on February 6, 2016.

## Project Description

The applicant is requesting approval to amend the conditional use–residential building complex plans for the “Paragon Place at Bear Claw Way” apartment development in the Paragon Place subdivision to increase the density of the last of the four buildings that comprise the complex from 32 units to 45, which correspondingly will increase the overall density of the complex from 145 units to 158. The complex occupies an 8.9-acre block bounded by Bear Claw Way on the east, Wilrich Street on the south, Chaska Drive on the west, and Paragon Street on the north on the southern edge of the larger Paragon Place development. The subject building, Building 4, is located in the southwestern corner of the block. Buildings 1-3 of the complex are complete and occupied.

Building 4 was approved in 2015 as a three-story, 32-unit building planned to parallel Wilrich Street. The proposed alteration calls for a northern wing to be added to the previous footprint to create an L-shaped building that will parallel both streets, with a corresponding increase in density to 45 dwelling units. The proposed building will consist of 16 one-bedroom units and 29 two-bedroom units and include 45 auto parking stalls and 45 bike parking stalls within the building. The proposed building will be similar architecturally to the previously approved building,

and will be similar in appearance to the other three buildings in the complex, which are L-shaped and occupy the other three corners of the block.

## 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 SR-V2 zoning 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

The Planning Division believes that the standards for approval are met with the applicant’s request to increase the density of the Paragon Place at Bear Claw Way multi-family residential building complex. The proposal to expand the previous 32-unit building parallel to Wilrich Street into a 45-unit, L-shaped building to parallel both Wilrich and Chaska Drive represents a greater utilization of the site, with a building that better addresses the southwestern corner of the block, and in a manner consistent with the development of the rest of the complex, which features similarly sized L-shaped buildings on the other three corners.

The density of the complex will increase modestly from 16.3 units per acre to 17.8 with the proposed addition of 13 additional units. However, the proposed density is still within the density range allowed in the existing SR-V2 zoning of the property, which allows up to 21.2 units per acre for multi-family dwellings. The proposed density is also within the 8-20 unit per acre density recommended by the 2018 Elderberry Neighborhood Development Plan, which identifies the subject site and most of the larger Paragon Place subdivision in Residential Housing Mix 2 (HM2). Although large multi-family buildings are not generally recommended in the HM2 district in the 2018 plan, the SR-V2 zoning of the site and previous approval for multi-family housing on the block were granted using a somewhat broader medium-density residential land use recommendation that applied to the site in the 2002 Elderberry Neighborhood Development Plan. The proposed development adheres to the maximum three-story height and building placement recommendations in the 2018 plan, and staff now as then feels that the proposed

multi-family development represents an appropriate transition from the Blackhawk Church Town Center mixed-use development immediately to the south across Wilrich Street.

The Urban Design Commission reviewed the alteration to the residential building complex and recommended **final approval** at its September 4, 2019 meeting subject to conditions.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** an alteration to a conditional use–residential building complex at 9604 Wilrich Street subject to the Urban Design Commission approval of the residential building complex, input at the public hearing, and the conditions that follow.

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

#### Urban Design Commission

The following conditions were approved as part of the **final approval** of the project on September 4, 2019:

1. Recommend simplification of form, material, and color.
2. Study second level corner details and consider simplifying gable and dormer roof forms (i.e. pull back end of dormer.).

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

#### City Engineering Division (Contact Tim Troester, 267-1995)

3. It appears that the stormwater management plan is unchanged as a result of this modification. If the stormwater management plan has been altered, new calculations shall be submitted to the City Engineer for review and approval.
4. 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. The following note shall put 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."
5. All outstanding 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 (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
6. 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.

**City Engineering Division – Mapping Section** (Contact Jeff Quamme, 266-4097)

7. Submit a floorplan for each separate building in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floorplan for each floor on a separate sheet for the development of a complete building and interior addressing plan. 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 submittal of the final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application. 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 Addressing Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

**Zoning Administrator** (Contact Jacob Moskowitz, 266-4450)

8. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.141(4)(e) which includes all applicable State accessible requirements, including but not limited to providing a minimum of two (2) accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8-foot wide striped access area adjacent.

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

9. 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; 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.
10. 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.
11. 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.
12. All parking facility design shall conform to the standards in MGO Section 10.08(6).
13. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

14. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
15. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the Traffic Engineering office with final plans for sign off.
16. "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.
17. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
18. Covered parking is not dimensioned and as such not reviewable at this time. The applicant should be aware this may lead to major site changes once the dimensions are provided.

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

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

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

19. A Water Service Application Form and fees must be submitted (for each lateral) before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646. The Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

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

This agency did not provide conditions of approval for this request.

**Parks Division** (Contact Sarah Lerner, 261-4281)

20. 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 West-Infrastructure Impact Fee district. Please reference ID# 13117.1 when contacting Parks Division staff about this project.

**City Forestry Section** (Brad Hofmann, 267-4908)

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