



## Report to the Plan Commission

August 8, 2011

**Legistar I.D. #23014 & 23018**  
**647 & 652 Bear Claw Way**  
**PUD Rezoning**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Approval of a request to rezone 647 Bear Claw Way from C1 (Limited Commercial District) to Planned Unit Development-General Development Plan (PUD-GDP) to allow the future construction of a two-story commercial building (ID #23018), and approval of a request to rezone 652 Bear Claw Way from C1 to PUD-GDP-SIP to allow construction of a 28-unit apartment building and a future one-story commercial building (ID #23014).

**Applicable Regulations & Standards:** Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12(9) provides the process for zoning map amendments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment ID 3549, rezoning 647 Bear Claw Way from C1 to PUD-GDP, and Zoning Map Amendment ID 3550 & 3551, rezoning 652 Bear Claw Way from C1 to PUD-GDP-SIP, both subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

### Background Information

**Applicant:** Alex McKenzie, TR McKenzie, Inc.; 1910 Hawks Ridge Drive, Suite 322; Madison.

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

**Property Owner:** Weber Development Ltd; 1276 S. Fish Hatchery Road; Oregon.

**Proposal:** The applicant is requesting approval of Planned Unit Development zoning to facilitate the development of a mixed-use project that will include a future two-story commercial building at the southeastern corner of Bear Claw Way and Old Sauk Road and a 28-unit apartment building and a future one-story commercial building at the southwestern corner of Bear Claw Way and Old Sauk Road. Construction of the apartment building will commence in fall 2011. Completion of the overall PUD is anticipated by the end of 2014.

**Parcel Location:** 652 Bear Claw Way is a 1.15-acre parcel located at the southwestern corner of Bear Claw and Old Sauk Road; 647 Bear Claw Way is a 0.57-acre parcel located at the southeastern corner of Bear Claw and Old Sauk directly across from the other subject site. Both are located in Aldermanic District 9 (Skidmore) and the Middleton-Cross Plains School District.

**Existing Conditions:** Both sites are undeveloped and zoned C1 (Limited Commercial District).

### Surrounding Land Use and Zoning:

North: Blackhawk Trails Apartments, zoned R4 (General Residence District); Church of Jesus Christ LDS, zoned C1 (Limited Commercial District);

**South:** Multi-family townhouses on the west side of Bear Claw Way, zoned R4; duplexes on the east side of Bear Claw, south of Crown Hill, zoned R3 (Single- and Two-Family Residence District);

**West:** The Jefferson senior apartment community, zoned PUD-SIP;

**East:** Undeveloped lands owned by the University of Wisconsin, zoned A (Agriculture District).

**Adopted Land Use Plan:** The Comprehensive Plan identifies both properties for Neighborhood Mixed-Use development. The Elderberry Neighborhood Development Plan recommends both sites for development as neighborhood commercial nodes with a mix of neighborhood-focused convenience retail and service uses.

**Environmental Corridor Status:** The subject sites are not located within a mapped environmental corridor.

**Public Utilities and Services:** The properties are served by a full range of urban services.

**Zoning Summary:** The sites will be zoned PUD-GDP and PUD-SIP. The project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Urban Design, Landmarks, Floodplain, Wellhead Protection, Waterfront Development
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

## Project Review

---

The applicant is requesting approval to rezone two undeveloped parcels containing a combined 1.72 acres of land from C1 Limited Commercial zoning to PUD to facilitate the construction of a mixed-use project on the south side of Old Sauk Road at Bear Claw Way at the northern entrance to the Sauk Heights subdivision. The two sites, 647 and 652 Bear Claw Way, were platted as Lots 25 and 26 of the Sauk Heights plat, respectively, and were identified as sites for future neighborhood commercial development when the Elderberry Neighborhood Development Plan was adopted in 2002 to guide development on the far west side of the City between Old Sauk and Mineral Point roads. This land use recommendation was carried forward into the 2006 Comprehensive Plan, which recommended both sites for Neighborhood Mixed-Use (NMU) development.

The subject sites are primarily surrounded by a mix of residential uses, including apartment complexes located to the north and west, and by a mix of townhouses and duplexes to the south. Lands east of the site are owned by the University of Wisconsin Board of Regents and are currently undeveloped farm land. A church is located opposite the eastern site at the northeastern corner of Bear Claw Way and Old Sauk Road. The subject sites are generally devoid of vegetation and are characterized by a very modest slope that falls across the properties away from the Bear Claw-Old Sauk intersection.

The proposed two-lot planned unit development will be developed in up to three phases. The applicant proposes to rezone 647 Bear Claw Way to PUD-GDP at the present time. The 0.57-acre parcel includes approximately 125 feet of frontage along Old Sauk Road, 200 feet of frontage along Bear Claw Way, and 130 feet of frontage along Crown Hill, a short residential street established in the Sauk

Heights subdivision that is planned to extend east to serve future development of the University's property. Future plans for 647 Bear Claw call for a two-story commercial building to be constructed on the northern half of the site, with surface parking for 24 vehicles accessed by a single driveway into the site from Bear Claw Way conceptually shown. While only a general development plan at this time, the plans submitted with the rezoning request propose a building with a 4,056 square-foot footprint that will parallel Old Sauk Road. Conceptual elevations suggest the design of the future building will feature a modern, angular aesthetic, with entrances facing to the south and the parking lot, and to the west towards Bear Claw Way. The building will be set back 31 feet from the Old Sauk right of way and 21 feet from Bear Claw Way. Final details of this building will be reviewed as part of a future rezoning of the site to PUD-SIP prior to the issuance of building permits.

The applicant is requesting PUD-GDP-SIP zoning for the 1.15-acre parcel at 652 Bear Claw Way, which has approximately 225 feet of frontage along Old Sauk Road and 270 feet of frontage along Bear Claw Way. Plans for this site call for two buildings to be constructed in two phases. A one-story, 2,000 square-foot commercial building is proposed in the northeastern corner of the site adjacent to the street corner. The general development plan suggests this building will be set back from Bear Claw and Old Sauk similar to building proposed on the 647 Bear Claw site. West of this commercial building, the applicant proposes the construction of a three-story, 28-unit apartment building. The proposed multi-family building will occupy the western half of the property, with a 37-foot setback proposed between the western wall of the building and the western property line, and a 31-foot setback proposed from Old Sauk Road. The remainder of the western site will be developed with 25 surface parking stalls accessed from a single driveway into the site from Bear Claw Way. Access to the parking garage under the apartment building will be provided from the surface parking lot.

The apartment building to be constructed in the first phase will include 9 efficiency/ studio units, 7 one-bedroom units and 12 two-bedroom units to be located above a 26-stall underground parking garage. The building will be constructed using a variety of brick and horizontal siding and will include hip roofs accentuated with smaller roofs located above balconies. Each unit will be provided either a porch or balcony as detailed on the attached floorplans. The specific implementation plan indicates that all of the surface and bicycle parking, bioretention facilities, internal sidewalks, a hardscaped plaza proposed between the two buildings, and most of the site landscaping will be constructed with the 28-unit apartment building, leaving the site of the one-story commercial building as a grass site until final plans for that project come forward at a later time.

## **Analysis & Conclusion**

---

As noted in the preceding sections, the subject sites are recommended for neighborhood-serving uses in the Elderberry Neighborhood Development Plan and the Comprehensive Plan.

The Elderberry Neighborhood Development Plan identifies the subject sites as the second of two neighborhood-serving commercial nodes to serve the neighborhood, which is bounded by Old Sauk Road on the north, N. Pleasant View Road on the east, Mineral Point Road on the south and Pioneer Road and the future western boundary of the City on the west. The Elderberry neighborhood will primarily be developed over time with a variety of residential uses. The two commercial nodes included within the planning area are located on both sides of extended Bear Claw Way at its intersections with Old Sauk and Mineral Point roads. The two nodes are primarily intended to serve as neighborhood activity centers for the Elderberry area, the northern portions of the adjacent Pioneer neighborhood south of Mineral Point Road, and the Blackhawk neighborhood north of Old Sauk Road. The subject sites represent the smaller of the two neighborhood-serving centers and are identified in the plan as

commercial nodes envisioned to include a mix of neighborhood-focused retail and service uses. The plan suggests that development of the northern neighborhood commercial node should emphasize pedestrian-friendly access and include smaller-scale convenience uses such as small food stores, laundries, barbershops and restaurants. Neither this site at Old Sauk Road nor the larger node at Mineral Point Road were envisioned as locations for regional, highway-oriented uses such as large-format retail establishments, automobile sale businesses, or businesses with drive-thru windows.

The neighborhood-oriented commercial uses recommended for the subject sites were incorporated into the land use recommendations for the sites in the Comprehensive Plan, which identifies both properties for Neighborhood Mixed-Use (NMU) development. In general, neighborhood NMU areas are intended to include commercial spaces primarily geared towards serving the surrounding neighborhoods, with any residential uses in NMU areas generally not to exceed 40 dwelling units per acre. The scale of buildings in neighborhood mixed-use areas should generally be between two and four stories in height, though building heights, as well as intensity of use and residential densities can vary as established in an adopted neighborhood or special area plan.

In reviewing the applicant's request to rezone the subject sites to PUD zoning, the Planning Division believes the proposed development can generally meet the intent of the neighborhood mixed-use land uses generally recommended for the site in the Elderberry Neighborhood Development Plan and Comprehensive Plan. While the horizontal approach to mixed-use development espoused by the applicant deviates somewhat from what is commonly considered mixed-use development, staff feels that the proposal presents a unique, appropriate solution to developing the two sites, which form the northern gateway into the Sauk Heights subdivision and more broadly, the Elderberry neighborhood.

However, staff feels that careful consideration will need to be given during the review of specific implementation plans for the two commercial buildings proposed to frame the Bear Claw Way-Old Sauk Road intersection to ensure that the two buildings relate well to those streets and are architecturally cohesive with each other and the 28-unit apartment building to be constructed in the first phase. While Planning staff does not believe the three buildings should necessarily look alike, they should include design elements that suggest they share a common purpose and aesthetic as a single mixed-use development. Further, the incorporation of design elements that orient the commercial buildings toward Old Sauk Road will be essential to ensure that implementation of the northern neighborhood commercial node in the Elderberry neighborhood through the subject development serves its secondary function as a neighborhood center for the Blackhawk neighborhood to the north. Those elements may include usable entrances to the buildings along the northern facades and the incorporation of features such as plazas that bring activity from the buildings outward towards Old Sauk. Final details of these buildings will be reviewed as part of the approval of future specific implementation plans prior to the issuance of building permits.

The Urban Design Commission reviewed the proposed PUD-GDP for 647 Bear Claw Way and the PUD-GDP-SIP for 652 Bear Claw Way on July 6, 2011 and recommended initial approval (see attached report). The Commission recommended final approval of the proposed PUD at its August 3, 2011 meeting. The report from that meeting will be forwarded to the Plan Commission at its August 8 hearing if it is available.

Finally, an amendment to the Comprehensive Plan was submitted on March 24, 2011 by the property owner, James Weber of Weber Development Ltd. Mr. Weber's request asked that the Generalized Future Land Use Plan recommendation for the subject sites be changed from Neighborhood Mixed-Use to Medium-Density Residential. This request was initially considered as one of the "Track 2" amendments to the Comprehensive Plan, which the Plan Commission voted on May 16, 2011 to send on for further review and future consideration as part of the larger Comprehensive Plan land use map

process. However, should the proposed rezoning of the two sites to Planned Unit Development for the applicant's mixed-use development be approved, the Planning Division recommends that Mr. Weber's amendment request be placed on file when the amendments are considered later this year.

### **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

---

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

The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment ID 3549, rezoning 647 Bear Claw Way from C1 (Limited Commercial District) to PUD-GDP (ID #23018), and Zoning Map Amendment ID 3550 & 3551, rezoning 652 Bear Claw Way from C1 to PUD-GDP-SIP (ID #23014), subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

1. That an amended specific implementation plan be submitted for approval by the Common Council following a recommendation by the Urban Design Commission and Plan Commission prior to the issuance of permits for the construction of the one-story commercial building on the 652 Bear Claw Way property.
2. That the March 24, 2011 request by James Weber to amend the Generalized Future Land Use Plan recommendation for the subject properties be placed on file if the subject rezoning is approved.
3. The proposed lot line on Sheet C1.1 shall be shown as "future" or removed until such time as a Certified Survey Map is submitted for review and approval by the City and recorded with Dane County.
4. That the applicant work with the Planning Division and Zoning Administrator prior to final approval and recording of the planned unit development to develop an enumerated list of permitted commercial uses for the zoning text so as to eliminate the reference to C1 zoning. [Staff believes that it would be best going forward to approve PUD zoning texts with such use lists so as to avoid references to the current Zoning Code.]

The following conditions have been submitted by reviewing agencies:

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

5. A CSM is required to legally create the parcels as proposed by the applicant.
6. The apartment addresses as shown on this application are approved by Engineering Mapping.
7. Coordinate final CAD file submittals and implementation of an addressing plan for the site with the Engineering Division Mapping Section. Submit a PDF of all floorplans to Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a final addressing plan can be developed for this site. 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 site plans for the specific implementation plans approval at 652 Bear Claw Way are insufficient to provide detailed comments. Provide a site plan for 652 Bear Claw Way including at a minimum all the existing and proposed drainage, utility connections and details, elevations of and drainage for the parking lot, retaining walls and underground parking. Detailed comments will be provided for the future specific implementation plans at the time they are submitted for Plan Commission approval.
9. The landscaping and stormwater management plans are inconsistent with each other. Modify plans to reflect the actual design.
10. Bioretention calculations shall be provided.
11. The applicant shall replace all sidewalk and curb and gutter that 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.
12. All work in the public right of way shall be performed by a City-licensed contractor.
13. All damage to the pavement on Bear Claw Way and Old Sauk Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
14. 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.
15. 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.
16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: Control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances, and; 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.
17. The applicant shall submit, prior to plan signoff, 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: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
18. 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).

19. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
20. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
21. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
22. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
23. 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 Bryan Walker, 267-8754)

24. The applicant shall execute a declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

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

This agency did not submit comments for this request.

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

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"><li>25. The developer shall pay \$60,699.24 in park development fees for the 28 new multi-family units proposed at 652 Bear Claw Way. Fees in lieu of dedication=(28 units@\$1,554)=\$43,512.00; Park development fees=(28 units@ \$613.83)=\$17,187.24, for a total park impact fee of \$60,699.24. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Far West park impact fee district (S130).</li></ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

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)

26. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

ID #23104 – 652 Bear Claw Way  
ID #23108 – 647 Bear Claw Way  
August 8, 2011  
Page 8

**Metro Transit** (Contact Tim Sobota, 261-4289)  
This agency did not submit comments for this request.