



PREPARED FOR THE PLAN COMMISSION

Project Address: 647 Bear Claw Way
Application Type: Zoning Map Amendment and Conditional Use
Legistar File ID # [53457](#) and [53123](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

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

Contact: Don Schroeder, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

Requested Actions: Approval of a request to rezone an approximately 0.56-acre lot addressed as 647 Bear Claw Way from PD (Planned Development District) to SR-V2 (Suburban Residential–Varied 2 District), and approval of a conditional use to construct a nine-unit townhouse building.

Proposal Summary: The applicant proposes to construct a three-story, nine-unit townhouse on a vacant parcel in the Sauk Heights subdivision at the southeastern corner of Old Sauk Road and Bear Claw Way. Each unit will include two or three bedrooms and a two-car ground level garage. Construction of the proposed development will commence in spring 2019, with completion anticipated in fall 2019.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table 28C-1 in Section 28.040(1) identifies multi-family dwellings with greater than eight (8) units as a conditional use in the SR-V2 (Suburban Residential–Varied 2) district. Section 28.183 provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00347, rezoning 647 Bear Claw Way from PD to SR-V2, to the Common Council with a recommendation of **approval**, and **approve** a conditional use to allow construction of a nine-unit townhouse on the site subject to 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 0.56-acre (24,778 square-foot) parcel located at the southeastern corner of Old Sauk Road and Bear Claw Way with frontage also along Crown Hill; Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District.

Existing Conditions and Zoning: Undeveloped land, zoned PD.

Surrounding Land Uses and Zoning:

North: Blackhawk Trails Apartments, Church of Jesus Christ LDS, both zoned SR-V2 (Suburban Residential–Varied 2 District);

South: Duplexes on the east side of Bear Claw Way, south of Crown Hill, zoned SR-C3 (Suburban Residential–Consistent 3 District);

West: The Jefferson senior apartment community, Aspen Ridge Apartments, both zoned PD; six-unit townhouses on the west side of Bear Claw Way, zoned SR-V2;

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

Adopted Land Use Plans: The 2018 [Imagine Madison Comprehensive Plan](#) recommends a node of Neighborhood Mixed-Use development on the south side of Old Sauk Road on both sides of Bear Claw Way, including the subject site.

The amended [Elderberry Neighborhood Development Plan](#) (2018) recommends that the subject site and a portion of the adjacent University-owned agricultural land be developed as neighborhood mixed-use development node.

However, the plan states: *“Neighborhood scale mixed-use buildings with commercial elements are desirable and allowable but not required. The short and long-term market feasibility of retail, restaurants and neighborhood services at this location is not known and has proved challenging in other areas with similar characteristics. For these areas, if mixed-use proves to not be feasible at the time of development, the area could develop as a [Residential] Housing Mix 3 district. For this reason, this district is designated an overlay district which provides land use flexibility over time.”*

Zoning Summary: The project will be zoned SR-V2 (Suburban Residential–Varied 2 District):

Requirements		Required	Proposed
Lot Area		2,000 sq. ft. per unit (18,000 sq. ft.)	24,778 sq. ft.
Lot Width		60'	130'
Front Yard		25'	18.2' from Crown Hill (See conditions)
Side Yards		10'	16.8' on west; 20.6' on east
Rear Yard		Lesser of 25% of lot depth or 30'	25' from Old Sauk Road (See conditions)
Useable Open Space		500 sq. ft. per unit (4,500 sq. ft.)	5,664 sq. ft.
Maximum Lot Coverage		60%	54%
Maximum Building Height		5 stories / 68' per zoning	5 stories (See conditions)
Auto Parking		9	18
Bike Parking		12	14
Loading		None	0
Building Forms		Single-Family Attached/Townhouse	Complies with requirements
Other Critical Zoning Items			
Yes:	Utility Easements		
No:	Wellhead Protection, Urban Design, Barrier Free, Floodplain, Landmarks, Waterfront Dev., Adjacent to Park		
Prepared by: Jacob Moskowitz, Assistant Zoning Administrator			

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The subject site is served by a full range of urban services with the exception of Metro Transit, which does not provide service west of N. Pleasant View Road. Per Metro, the closest bus stop with scheduled bus service is just less than a mile walking distance, and the development would be greater than the three-quarter-mile regulatory distance from all-day scheduled bus service, which disqualifies any trips at this development for passengers who might otherwise be eligible for door-to-door paratransit service. The pedestrian access between this development and the scheduled bus service, located at Old Sauk Road and Samuel Drive east of Pleasant View, does include a complete sidewalk connection along just the north side of Old Sauk Road.

Previous Approvals

On April 8, 2003, the Common Council approved a request to rezone 56.5 acres located a half-mile west of Pleasant View Road between Old Sauk Road and Elderberry Road from Temporary A (Agriculture District) to R2 (Single-Family Residence District), R3 (Single and Two-Family Residence District), R4 (General Residence District) and C1 (Limited Commercial District) [1966 Zoning Code], and; approved the preliminary plat of "Sauk Heights" to create 116 single-family lots, nine duplex lots, two lots for future multi-family development and two lots for future neighborhood commercial development in C1 zoning (of which the subject site is one). The plat also proposed outlots for public stormwater detention and public parkland. The Common Council approved the final plat of Sauk Heights on July 1, 2003; the plat was recorded on February 11, 2004.

On September 6, 2011, the Common Council approved a request to rezone 647 Bear Claw Way (Lot 25 of Sauk Heights) from C1 (Limited Commercial District) to Planned Unit Development-General Development Plan (PUD-GDP) [1966 Zoning Code] to allow the future construction of a two-story commercial building.

Project Description

The applicant is requesting approval to rezone an undeveloped 0.56-acre parcel addressed as 647 Bear Claw Way from PD to SR-V2 and a conditional use to construct a three-story, nine-unit townhouse. 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 adjacent University agricultural property.

The proposed townhouse building will be arranged in a "U" with units proposed to front onto all three streets. All of the units will be three stories tall and include a two-car ground level garage accessed from a rear courtyard with a driveway from Crown Hill. The units will range in size from 1,408 to 1,716 square feet and include two or three bedrooms, as shown on the attached floorplans. The first floor of the building will be elevated above the public sidewalks framing the site between approximately three and five feet, with street-oriented entrances and covered porches shown for each unit. The building will be set back 25 feet from Old Sauk Road, between 18 and 30 feet from Crown Hill, and approximately 16 feet from Bear Claw Way. The building will be clad in two types of horizontal siding above a prairie stone base.

Analysis and Conclusion

The Planning Division believes that the Plan Commission may find the standards met to recommend approval of the proposed rezoning and approve the conditional use to construct a nine-unit townhouse on the undeveloped 0.56-acre property.

The rezoning to SR-V2 and proposed townhouse building are generally consistent with the *alternate* land use recommendations for the subject site and a portion of the adjacent University-owned agricultural land in the amended Elderberry Neighborhood Development Plan approved earlier this year.

The amended Elderberry Plan calls for a neighborhood mixed-use development node to extend along Old Sauk Road east of Bear Claw Way to accommodate neighborhood-oriented businesses providing goods and services to nearby residents. The neighborhood mixed-use recommendation east of Bear Claw Way follows a similar recommendation in the original 2002 neighborhood development plan, which recommended development of neighborhood-serving commercial uses on the lots located on both sides of Bear Claw Way on the south side of Old Sauk Road at the entrance of what became the Sauk Heights development. The former C1 zoning of the subject site – Lot 25 of Sauk Heights – and the parcel located to the west across Bear Claw (Lot 26) was consistent with this recommendation.

However, the amended Elderberry Neighborhood Development Plan states the following regarding the proposed Old Sauk-Bear Claw node:

“Neighborhood scale mixed-use buildings with commercial elements are desirable and allowable but not required. The short and long-term market feasibility of retail, restaurants and neighborhood services at this location is not known and has proved challenging in other areas with similar characteristics. For these areas, if mixed-use proves to not be feasible at the time of development, the area could develop as a [Residential] Housing Mix 3 district. For this reason, this district is designated an overlay district which provides land use flexibility over time.”

The Elderberry plan recommends that development in the Residential Housing Mix 3 District (HM3) include a mix of attached and multi-family housing types, including townhouses, developed at a density of 20-40 units per acre. Buildings in HM3 are recommended to be between two and four stories tall, with designs oriented to adjacent streets to define and enhance the public realm along the street edge. Parking should be provided behind or beneath the buildings, minimizing its visual impact on the neighborhood. In general, an urban character of design and architecture is recommended. Multi-unit developments should include a mix of unit sizes, including larger two- and three-bedroom units suitable for families with children.

Staff believes that the proposed townhouse development will implement the above plan recommendations. The proposed building is well-designed and should complement other residential buildings in the northern extents of the Sauk Heights subdivision, as well as other buildings along this section of Old Sauk Road. Entrances to the proposed units are oriented to each of the public streets that form three of the four sides of the site, while parking for the project is located within an internal courtyard that should have limited visibility from the street. Further, the proposed unit sizes and types are consistent with the plan recommendations for larger units in HM3. The proposed residential development creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area, and should not have an adverse impact on the uses, values and enjoyment or normal and orderly development of surrounding properties.

However, while the proposed development is consistent with the applicable land use recommendations and can meet the standards for conditional use approval, the applicant will need to reconcile the site plan for the project with the yard requirements in the requested SR-V2 district. As noted in the comments submitted by the Zoning Administrator’s staff in the following section, the site plan submitted for the nine-unit townhouse development does not appear to provide the 25-foot front or 30-foot rear yard setbacks required in the SR-V2 district. If

approved, Planning and Zoning staff will work with developer prior to issuance of building permits to adjust the site plan to provide the required setbacks.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00347, rezoning 647 Bear Claw Way from PD to SR-V2, to the Common Council with a recommendation of **approval**, and **approve** a conditional use to allow construction of a nine-unit townhouse on the site subject to input at the public hearing, the following Planning Division condition(s), and the conditions from the alder and reviewing agencies:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division

1. The final elevations shall be revised prior to final approval to include height dimensions on each side of the building, with a floor-to-floor dimension provided on at least one side.

The following conditions have been submitted by reviewing agencies:

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

2. The basement elevation shall be raised to provide for a minimum of 0.75 feet of freeboard overflow from the parking area to the top of lowest adjacent sidewalk where the driveway exits to the public right of way.
3. 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.
4. The existing four-inch diameter sewer lateral is not large enough to handle the proposed sewer flows of this proposed development. The applicant shall revise the plan to include a sewer lateral of adequate size to handle the proposed development.
5. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
6. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all

connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

7. The applicant shall 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). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc; d) 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.
9. 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 8.5x14 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 have 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. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City.
10. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
11. For commercial sites less than one (1) acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one (1) acre and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
12. 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 Madison General Ordinances.

13. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of Madison General Ordinances.
14. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
15. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.

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

16. The trees planned within the 20-foot Storm Water Easement shall be removed. Only bushes or shrubs shall be permitted within the easement area. The replacement of any landscaping removed during the repair or maintenance of any City facility within the easement shall be the responsibility of the owner.
17. The addresses for the townhouses are (running clockwise): 9392 Crown Hill, 9394 Crown Hill, 651 Bear Claw Way, 653 Bear Claw Way, 655 Bear Claw Way, 657 Bear Claw Way, 9395 Old Sauk Road, 9393 Old Sauk Road, 9391 Old Sauk Road. The site plan shall show the official street addresses of the property as reflected by official City of Madison Assessor's and Engineering Division records.

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

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

23. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
24. "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.
25. 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.
26. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
27. The applicant shall submit for review a waste removal plan, which shall include vehicular turning movements.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

28. This project as shown does not meet front or rear yard setback requirements for SR-V2.

29. Show the refuse disposal area on the site plan. 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 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.
30. Submit a detail showing the model of bike rack to be installed.
31. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the twenty-five (25) foot vision clearance triangle of a street intersection.

Fire Department (Contact Bill Sullivan, 261-9658)

32. Consider a common access room for the sprinkler system unless individual sprinkler systems will be provided for each townhouse.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

33. A Water Service Application Form and fees must be submitted 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.

34. Cut off and cap the existing two-inch water service at existing water main connection when installing the new four-inch diameter water and sewer laterals.

Parks Division (Contact Janet Schmidt, 261-9688)

35. Existing street trees shall be protected. Please include the following note on the site plan: "Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the alder of the change in the tree plan."
36. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

Metro Transit (Contact Tim Sobota, 261-4289)

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