

PLANNING DIVISION STAFF REPORT

March 22, 2021

PREPARED FOR THE PLAN COMMISSION



Project Addresses: **9301 Crosswinds Lane**

Application Type: Planned Development District

Legistar File ID # [64349](#)

Prepared By: Timothy M. Parks, Planning Division

Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Gorman & Company; 200 N Main Street; Oregon.

Contact Person: Conrad Gorman, Perch Properties; 3062 Shaw Court; Madison.

Requested Actions: Amending the Planned Development District—General Development Plan for the “Crosswinds at Hawks Landing” development and approving a Specific Implementation Plan to allow construction of two 16-unit multi-family buildings on land generally addressed as 9301 Crosswinds Lane.

Proposal Summary: The applicant is requesting approval to construct two 16-unit multi-family buildings (32 total units) on undeveloped land in the southwestern corner of the Crosswinds at Hawks Landing development. The applicant hopes to begin construction of “Building 4” in spring 2021, with completion scheduled for seven months after commencement. There is no timeline for construction of the second building.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The approval process and standards for the Planned Development zoning district is outlined in Section 28.098 of the Zoning Code.

Review Required By: Urban Design Commission, Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00492 and 28.022-00493, approving an Amended General Development Plan and Specific Implementation Plan to allow construction of two 16-unit multi-family buildings on land generally addressed as 9301 Crosswinds Lane, subject to input at the public hearing, the recommendation of the Urban Design Commission, and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The subject site is a 1.26-acre (54,856 square-foot) parcel located on the south side of Crosswinds Lane, a private drive that provides access into the larger Crosswinds at Hawks Land Condominium development. The parcel is located in the southwestern corner of the larger 16.6-acre development, which is located at the northwestern corner of Mid Town Road and Hawks Landing Circle within the larger Hawks Landing Golf Club subdivision; Aldermanic District 1 (Harrington-McKinney); Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped land, zoned PD. The developed portions of the Crosswinds at Hawks Landing development are located north and east of the subject 1.26 acres.

Surrounding Land Uses and Zoning:

North: Hawks Landing Gold Club north of the Crosswinds development, zoned PR (Parks and Recreation District);

South: Aspen Hill Apartments across Mid Town Road, zoned PD and SR-V2 (Suburban Residential–Varied 2 District);

West: Kingswood Park and single-family residences in the Hawks Landing Golf Club subdivision, zoned SR-C1 (Suburban Residential–Consistent 1 District);

East: Hawks Landing Apartments across Hawks Landing Circle, zoned PD.

Adopted Land Use Plans: The 2018 Comprehensive Plan recommends the subject site and adjacent 16-unit buildings along the north side of Mid Town Road for Low-Medium Residential, with the duplex portion of the Crosswinds development recommended for Low Residential.

The Mid-Town Neighborhood Development Plan, which was adopted in 1999 and amended in 2011, recommends the Crosswinds at Hawks Land Condominiums for low-density and medium-density residential development.

Zoning Summary: The subject site is zoned PD. A review of the proposed Amended GDP and SIP follows.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning), Utility Easements, Barrier Free, Adjacent to Park
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark

Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator

Environmental Corridor Status: The subject site is not located within a mapped environmental corridor. Hawks Landing golf course and adjacent Kingswood Park are located in a mapped environmental corridor.

Public Utilities and Services: The property is served by a full range of urban services, including Metro Transit, which provides weekday peak-hour service on Mid Town Road at Hawks Landing Circle.

Previous Approvals

On February 15, 2000, the Common Council approved the final plat of *Hawk's Landing Golf Club* to subdivide 533 acres located on the north side of Mid Town Road west of CTH M into create 375 single-family lots, up to 200 multi-family units on three lots, three neighborhood park tracts totaling 14 acres, a 208-acre golf course, and a mixed commercial-residential development on 13 acres along Mid Town Road. The final plat was recorded on or around June 2, 2000.

On October 31, 2000, the Common Council approved a request to rezone 10002 Mid Town Road from R4 (General Residence District) to PUD (GDP-SIP) [1966 Zoning Code] and approved the preliminary plat and final plat of *Crosswinds at Hawks Landing* to allow construction of five 16-unit buildings (80 units) and 31 two-family residences (62 units) on a 16.6-acre parcel located on the west side of Hawks Landing Circle at Mid Town Road. The PUD-GDP-SIP was recorded on January 3, 2001.

On January 2, 2001, the Common Council re-approved the final plat of *Crosswinds at Hawks Landing* to create 12 lots and one outlot for a private road network and public utilities for the 142-unit planned development. The final plat was recorded on January 9, 2001.

Subsequent to recording of the final subdivision plat, the *Crosswinds at Hawks Landing Condominium* was declared on January 31, 2001, with plats and amended declarations through March 22, 2006. The subject site is shown as an expansion parcel on Addendum No. 7 to the *Crosswinds* condominium plat and is the only portion of the planned condominium that was not platted and included in a recorded declaration.

Project Description

The applicant is requesting approval of an Amended PD(GDP-SIP) to allow construction of two 16-unit multi-family buildings on approximately 1.25 acres of land located at the southwestern corner of the *Crosswinds at Hawks Landing Condominium* development. The overall *Crosswinds* development occupies 16.6 acres located at the northwestern corner of Mid Town Road and Hawks Landing Circle on the southern edge of the larger 533-acre *Hawks Landing Golf Club* development.

The subject site is currently undeveloped land located at the western end of *Crosswinds Lane*, a private road that extends into the development from *Hawks Landing Circle* and serves the southern half of the *Crosswinds at Hawks Landing Condominium* development. The subject site and surrounding condominium development front onto but do not take access from Mid Town Road. The site is bordered on the east by three four-story, 16-unit multi-family buildings and on the north by 31 two-family residences (62 units) built in accordance with the Planned [Unit] Development zoning approved for the *Crosswinds* project in 2000. *Kingswood Park* abuts the site on the west.

Plans for each of the proposed buildings call for four dwelling units to be located on four floors above two levels of structured parking. The 16 units in each building will be comprised of eight two-bedroom plus den units and eight three-bedroom units. Parking for each building will be provided in 32 automobile stalls to be located on two levels below the first residential floor, with 16 stalls located on each level. In each building, a bike room will be provided on the lower level, while a residential lobby facing Mid Town Road will be provided on the upper level. Access to the parking levels will be provided from overhead doors facing *Crosswinds Lane* at the northwestern and northeastern corners of the buildings. Balconies for each unit will be provided along the northern façade of the buildings, which will be primarily clad in brick above stone bases.

A surface parking area located between the multi-story buildings and Mid Town Road will be extended across the frontage of the proposed buildings, ending in a cul-de-sac at the southwestern corner of the 1.25-acre project site. A landscaped berm between the parking and Mid Town will also be extended with the project.

Analysis & Conclusion

Section 28.098(5)(c) of the Zoning Code states:

"Any Planned Development not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the General Development Plan, shall require approval of a new General Development Plan by the Common Council following a recommendation by the Plan Commission. In considering extensions of approved General Development Plans for unconstructed components/ phases, the Plan Commission shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the project incompatible with current conditions."

As noted in preceding sections, the Crosswinds at Hawks Landing Planned Development zoning district was initially approved by the City in October 2000, with the zoning documents recorded on January 3, 2001. Therefore, in order to construct the two 16-unit buildings, the applicant requires re-approval of the Planned Development zoning for the Crosswinds development.

In reviewing the proposed Amended PD zoning, the Planning Division believes that the applicable standards and criteria for approval are met. The plans for the proposed buildings are very similar to the plans for the buildings approved for this portion of the development in the 2000 zoning documents with regard to building placement, parking, landscaping, and massing and architecture. However, as noted in the letter of intent, the floorplans for the building are modified slightly from the earlier plans to account for changes to building codes and the real estate market since the original approval. The 2000 Specific Implementation Plan for the Crosswinds project is attached to the legislative file for this proposal (ID [64349](#)) for reference. Completion of the Crosswinds development in the manner proposed is consistent with the prior approvals for the site and with the residential development recommended for the project site in the 2018 Comprehensive Plan and Mid-Town Neighborhood Development Plan.

The Urban Design Commission reviewed the amended Planned Development at its March 10, 2021 meeting and recommended final approval subject to conditions to be met prior to issuance of building permits. A draft report from the UDC discussion of the project is attached to the legislative file.

As noted earlier, the approximately 1.25-acre project site is shown as an expansion parcel on Addendum No. 7 to the *Crosswinds at Hawks Landing Condominium* plat and is the only portion of that condominium that has not been established by plat and included in a recorded declaration. The applicant for the Amended PD has not clearly indicated whether they intend to incorporate the proposed building and land into the existing condominium, which would require that the condominium be amended, or if they intend to develop the project site on a fee simple parcel.

The Subdivision Regulations (MGO Section 16.23(7)(d)(1)) allow for the creation of lots by Certified Survey Map (CSM) from existing parcels in a condominium plat as long as the new lot(s) is not part of a condominium and are capable of connecting to City water and sewer. Typically, such parcels were identified as expansion areas on a condominium plat but not expanded for whatever reason within the timeframe allowed under State statutes (up to ten years from the first condo plat and declaration). The lots created under this ordinance provision may share access, parking, and stormwater management facilities if such sharing was required by any zoning approval for the property and if adequate easements and/or agreements are provided, subject to the approval of the City Engineer, City Traffic Engineer, and Planning Director.

The site is served by public water and sanitary sewer lines located in easements in Crosswinds Lane. However, if the applicant chooses to create a fee simple lot by CSM instead of incorporating the development into the condominium, the applicant will be required to obtain any necessary shared access and parking easements and agreements from the surrounding condominium prior to recording the CSM. A CSM would be reviewed under the subdivision process outlined in MGO Section 16.23 (likely administratively), while the amendment to the condominium would be reviewed through the City's administrative condominium review process outlined in MGO Section 16.24.

No permits will be issued for the new buildings until the project site is a legal lot of record or is incorporated into the surrounding condominium. Please refer to the conditions recommended by the City Engineering Division–Mapping Section in the following section for more information on the disposition of the subject site.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00492 and 28.022-00493, approving an amended General Development Plan and Specific Implementation Plan to allow construction of two 16-unit multi-family buildings on land generally addressed as 9301 Crosswinds Lane, subject to input at the public hearing, the recommendation of the Urban Design Commission, and the conditions from reviewing agencies:

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

Planning Division

1. The final plans shall be revised to include a plan that shows the entire 16.6-acre Crosswinds at Hawks Landing development; the overall plan shall identify each building by type, number of units, and address, and shall include any salient features of the development (community features, surface parking, etc.).

Urban Design Commission (Contact Janine Glaeser, 267-8740)

The Urban Design Commission granted final approval of the Amended PD(GDP-SIP) on March 10, 2021 subject to the following comments and conditions:

2. Make the entryways more inviting.
3. Add more detail in the foundation wall similar to the adjacent buildings.
4. Make every effort to protect and keep any mature trees that may be in front of those buildings.
5. Remove the Purple Sand Cherries from the landscape plan.

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

6. This development is subject to impact fees for the Lower Badger Mill Creek Stormsewer 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."
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 (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering Division sign-off.
8. An Erosion Control Permit is required for this project.
9. A Storm Water Management Report and Storm Water Management Permit is required for this project.
10. A Storm Water Maintenance Agreement (SWMA) is required for this project.

11. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 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. 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 Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
12. 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.
13. This project will disturb 20,000 square feet 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.
14. Demonstrate compliance with MGO Section 37.07 and 37.08 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.
15. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health Madison-Dane County, and/or City Engineering Division approvals may be required prior to the issuance of the required Erosion Control Permit.
16. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The contractor shall coordinate this testing with the erosion control measures and notify the City Engineering Division at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
17. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
18. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Detain the difference between the 100- and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

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.

19. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
20. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

21. The lands included in this site proposal are remnant undeveloped expansion lands of the Crosswinds at Hawks Landing Condominium. Either these lands shall be added by amendment to the existing condominium or they shall be subject to a Certified Survey Map creating a lot as permitted by MGO Section 16.23(7)(d)(1). The condominium amendment or CSM shall be approved by the City, recorded with the Dane County Register of Deeds and the new Tax Parcel information available prior to issuance of a building permit.
22. If this parcel is subject to a Certified Survey Map (CSM) rather than an amendment to the Crosswinds at Hawks Landing Condominium, provide for review comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division and site development as proposed prior to final sign off for construction. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
23. The site plan shall show the limits of Outlot 1 of the plat of Crosswinds at Hawk's Landing as it represents the limits of a Public Water Main and Sanitary Sewer Easement serving the site.
24. The site plans shall show the public utility easement, the 14-foot No Build Area and the 40-foot Building Setback line as shown and noted on the plat of Crosswinds at Hawks Landing.
25. The address of the easterly building is 9301 Crosswinds Lane. The address of the westerly building is 9313 Crosswinds Lane. Remove all references to 9237 and 9249 Crosswinds Lane. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

26. The apartment/unit numbers on the submittal are not valid for addressing purposes. The 101, 102, 103, 104 numbers shall be changed to 103, 101, 102, and 104. The sequencing shall be the same for all of the other floors and in both buildings. 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 (LZenchenko@cityofmadison.com) 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.

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

27. 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.
28. 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.
29. 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.
30. All parking facility design shall conform to the standards in MGO Section 10.08(6).
31. The applicant shall provide a clearly defined five-foot 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.
32. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO Section 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.
33. 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 staff to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768) (ascheib@cityofmadison.com) in the Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign-off.
34. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate

inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

Zoning Administrator (Contact Jacob Moskowitz, 266-4450)

35. Work with Zoning and Planning staff on final approval of the zoning text.
36. Bicycle parking shall comply with MGO Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 40 resident bicycle stalls are required plus a minimum of three (3) short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5)-foot access aisle for wall mount parking. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
37. Submit building floorplans and elevations for both multi-family buildings.
38. Provide details demonstrating compliance with bird-safe glass requirements MGO Section 28.129.
39. Submit details of the dog run including dimensions and proposed fencing.
40. Exterior lighting shall be provided in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
41. Per MGO 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.

Fire Department (Contact Bill Sullivan, 261-9658)

42. The Madison Fire Department does not support the proposed exiting plan based on the lack of separation of the two exits in accordance with IBC 1007.1.1.
43. Provide a detailed fire access plan that demonstrates compliance with MGO Chapter 34 and the International Fire Code 2018.

Parks Division (Contact Ann Freiwald, 243-2848)

44. If not previously paid with the initial approval of the development, 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 Park-Infrastructure Impact Fee district.

Water Utility (Contact Jeff Belshaw, 261-9835)

45. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), 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. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

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

City Forestry Section (Contact Wayne Buckley, 266-4892)

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