



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 10202 Rustling Birch Road (Lot 1 of Birchwood Point plat)  
**Application Type:** Conditional Use  
**Legistar File ID #** [35172](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary**

**Applicant:** Ulian Kissiov; 476 Presidential Lane; Madison.

**Property Owner:** Grand Arbor Reserve, LLC/ Forward Management, Inc.; 6417 Odana Road; Madison.

**Requested Action:** Approval of a conditional use for a multi-family dwelling to allow construction of an apartment building containing 100 units on property generally addressed as 10202 Rustling Birch Road (Lot 1 of the Birchwood Point subdivision).

**Proposal Summary:** The applicant is requesting conditional use approval to allow construction of a three-story, 100-unit apartment building on a 4.62-acre parcel zoned TR-U1 (Traditional Residential–Urban 1 District). The applicant indicates that the building will include a management office for the property owner. Construction of the apartment building will commence in October 2014, with completion scheduled for approximately one year later.

**Applicable Regulations & Standards:** Table 28C-1 of Section 28.032(1) identifies multi-family dwellings with greater than 8 dwelling units as a principal conditional use on TR-U1 zoning. Management offices in multi-family buildings are accessory conditional uses in TR-U1 zoning subject to Supplemental Regulations in Section 28.151 of the Zoning Code. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of a 100-unit multi-family dwelling with a management office at 10202 Rustling Birch Road on Lot 1 of Birchwood Point, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

**Background Information**

**Parcel Location:** The subject site is an approximately 4.62-acre parcel located on the west side of Sugar Maple Lane at the entrance to the Birchwood Point subdivision from Mineral Point Road, with Rustling Birch Road forming the southern boundary of the subject site; Aldermanic District 9 (Skidmore); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Undeveloped land zoned TR-U1 (Traditional Residential–Urban 1 District) pursuant to a 2013 zoning approval.

**Surrounding Land Use and Zoning:**

North: Undeveloped land in the Town of Middleton;

South: Future single-family residences in the Birchwood Point subdivision and City-owned Sugar Maple Park, zoned TR-C3 (Traditional Residential–Consistent 3 District);

East: Single-family residences along Mineral Point Road in the Town of Middleton; Silicon Prairie Business Park (Full Compass Systems, etc.), in the City of Madison, zoned IL (Industrial–Limited District);

West: City-owned stormwater management pond, zoned TR-U1 (Traditional Residential–Urban 1 District); undeveloped land in the Town of Middleton.

**Adopted Land Use Plan:** The Pioneer Neighborhood Development Plan recommends that the subject site be developed with medium-density residential uses between 16-25 units an acre.

**Zoning Summary:** The subject site is zoned TR-U1 (Traditional Residential–Urban 1 District):

Requirements	Required	Proposed
Lot Area	1,000 sq. ft. per unit (100,000 sq. ft.)	201,353 sq. ft. existing
Lot Width	50'	383', adequate
Minimum Front Yard	15'	20' from Sugar Maple Lane
Side Yard	10'	20' on south, 78' on north
Rear Yard	Lesser of 25% lot depth or 25	140' to west property line
Maximum Lot Coverage (all bldgs.)	75%	See Zoning conditions
Usable Open Space	320 sq. ft./ unit (32,000 sq. ft.)	See Zoning conditions
Maximum Building Height	5 stories/ 65'	3 stories/ 49'
Building Form	Large multi-family building	Generally complies; see Analysis
Automobile Parking	1 per dwelling unit (100)	102 structured, 68 surface
Bicycle Parking	1 per dwelling unit up to two-bdrm units (101) & 1 for three-brm & 1 guest space per 10 units (10) = 111	169 – See Zoning conditions
<b>Other Critical Zoning Items</b>		
Yes:	None	
No:	Utility Easements, Barrier Free, Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Dev.	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator and Tim Parks, Planning Division</i>		

**Environmental Corridor Status:** The subject site is not located within a mapped environmental corridor (see Map A9).

**Public Utilities and Services:** The site is located in the Central Urban service Area and 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 Junction Road.

## Previous Approvals

On November 19, 2013, the Common Council conditionally approved a request to rezone land generally addressed as 10203 Mineral Point Road from SR-C1 (Suburban Residential–Consistent 1 District) and SR-V2 (Suburban Residential–Varied 2 District) to TR-C3 (Traditional Residential–Consistent 3 District) and TR-U1 (Traditional Residential–Urban 1 District); approval of a preliminary plat and final plat of “Birchwood Point”, creating 230 single-family residential lots, 1 lot for future multi-family development, 10 outlots to be dedicated to the public for stormwater management, parkland and alleys, and 1 outlot to be privately maintained, and; approval of an amendment to the Pioneer Neighborhood Development Plan to change the recommended land uses for the site from low-density residential, low- to medium-density residential, and park, drainage and open space use to low-density residential, medium-density residential, and park, drainage and open space uses to reflect the land uses and street pattern proposed in the Birchwood Point subdivision. The final plat of Birchwood Point was recorded on May 27, 2014.

## Project Description

The applicant is requesting approval of a conditional use to allow construction of a 100-unit apartment building on an approximately 4.62-acre site located on the west side of future extended Sugar Maple Lane at the entrance to the Birchwood Point subdivision from Mineral Point Road. Rustling Birch Road forms the southern boundary of the subject site. The subject site was zoned TR-U1 (Traditional Residential–Urban 1 District) as part of the zoning and subdivision approval for the Birchwood Point subdivision. Development of the multi-family parcel was limited to 100 dwelling units per a condition of approval of the Birchwood Point plat.

The proposed apartment building will consist of 2 three-story, 50-unit wings joined by a one-story common lobby that will include a management office, community room and fitness facility. The 100 dwelling units will consist of 15 studio apartments, 53 one-bedroom units, 30 two-bedroom units and 2 three-bedroom units. Each 50-unit wing will be built above one level of underground parking containing 51 automobile stalls and 75-80 bike parking spaces. Storage lockers are shown at the back of the auto parking stalls in the underground garages. In addition to the structured parking stalls, the applicant proposes 68 automobile parking stalls to be located north of the building, with access to the entire development from a single driveway from Rustling Birch Road.

The apartment building will reflect a modern architectural motif that features an exterior comprised of flat and horizontal-ribbed fiber cement and composite wood panels accented by pronounced extruded aluminum seams. The two wings will have different color patterns to create the appearance of two separate structures. The setback of the one-story common lobby from Rustling Birch Road accentuates the appearance of the building as two separate structures. The building will be topped with sloped roof sections that correspond to the vertical articulation of the three-story facades below. Balconies are proposed for the second and third floor units, with patios with entry doors proposed for the first floor units, which will connect to the internal private sidewalks or public sidewalks along Sugar Maple Lane and Rustling Birch Road.

## Analysis and Conclusion

The Planning Division generally believes that the conditional use standards can be met for the proposed apartment building, and that the 21.6-unit per acre density is consistent with the medium-density residential uses (16-25 units per acre) recommended for the property in the Pioneer Neighborhood Development Plan.

The project is also generally consistent with the building design/ form standards for large multi-family buildings in Section 28.172(7) of the Zoning Code. That section states:

*Building Type: A multi-story building with combined entrances, stairways and elevators, comprised of single- or two- level occupant spaces stacked on top of each other, typically accessed from a central corridor.*

*Access and Entry: The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch oriented to the street. Parking, loading and trash disposal may be accessed from an alley or common drive serving one or more buildings.*

*Massing and Articulation: Massing, proportions and articulation of Large Multi-Family Buildings shall respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed 160 feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of 40 feet.*

The proposed building is well-articulated and the site layout is thoughtfully designed to respond to the two public streets that it will be oriented towards, Sugar Maple Lane and Rustling Birch Road, as well as the small public park, Sugar Maple Park, which will be located opposite the southeastern corner of the subject site. The applicant indicates that the setback of the building from Rustling Birch Road at the southeastern corner of the site is designed to extend the greenspace from the park across the street into the subject site. The entrances to the first floor units facing the corner greenspace on the site are intended to be an extension of the future single-family residences that will be built along the western edge of the public park immediately south of the site, which will have front doors that face the public park. The applicant made an informational presentation to the Urban Design Commission on June 25, 2014 and received generally positive comments overall; the report from that presentation is attached.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of a 100-unit apartment building with a management office on property addressed as 10202 Rustling Birch Road on Lot 1 of Birchwood Point subject to input at the public hearing and the following conditions:

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

1. No HVAC or utility penetrations on the building shall face Sugar Maple Lane or Rustling Birch Road. Any HVAC or utility penetrations elsewhere on the exterior of the building should be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible.

The following conditions have been submitted by reviewing agencies:

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

2. The east building will use the base address of 10202 Rustling Birch Road. The center section with office and community rooms will use a base address of 10206 Rustling Birch Road. The west building will use the base address of 10210 Rustling Birch Road.
  3. Show and label the 12-foot wide utility easement on the site plans located on the perimeter of the lot per the plat of Birchwood Point.
  4. The developer shall provide a pumping plan for both underground parking areas showing they have capacity for the 100-year event. Plan shall be stamped by a Professional Engineer or Master Plumber and submitted to City Engineering.
  5. Sanitary sewer is currently not available to this property. The City expects to have sewer available by mid to late May of 2015. The applicant will not be allowed occupancy permits until the development is connected to the public sewer system.
  6. Add a note to the plan as follows: "All work in the right of way shall be constructed in accordance with the City issued plans for 53B2382."
7. 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.
  8. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in Engineering Mapping (Lzenchenko@cityofmadison.com) so that an interior addressing plan can be developed. 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.
  9. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer Lift Station, Sanitary Sewer Interceptor and Stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued.
  10. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
  11. A City-licensed contractor shall perform all work in the public right of way.
  12. All damage to the pavement on future Sugar Maple Lane and Rustling Birch Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
  13. 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.

14. 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.
15. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the WDNR prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.
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 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 MGO.
17. 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).
18. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

19. 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
20. 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.
21. 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.
22. All parking facility design shall conform to the standards in MGO Section 10.08(6).

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

23. Provide a minimum bike parking spaces for each building distributed as both *Short Term* and *Long Term* bicycle parking, as required per MGO Sections 28.141(4) and 28.141(11). Provide a detail of the bike rack design including any wall mounts. NOTE: Current code requires a maximum of 25% of the bike parking spaces may be structured bike parking (wall-mount or stacked). Required long-term bicycle parking located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units shall not count toward the required bicycle parking. Call out and dimension required stalls on the final plan. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide a detail of the bike rack to be installed on the final plans.
24. Provide lot coverage details and usable open space details on final plans.
25. Pursuant to MGO Section 28.142(3), Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
26. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Code prior to sign installations.
27. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.

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

28. Coordinate street trees along the proposed aerial access lanes or relocate the aerial access lane onto the project property.

29. Ensure that the private water main complies with MGO Section 34.507 for minimum size.

**Water Utility** (Contact Dennis Cawley, 261-9243)

30. Note: All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with MGO Section 13.21.

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

31. Park impact fees, comprised of the Park Development Impact Fee per MGO Sec. 20.08(2), will be required for this new residential development. Parkland dedication requirements have been met with the dedication of Outlots 6 and 9 in the Birchwood Point plat. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Elver park impact fee district (SI31). Please reference ID# 13161.1 when contacting Parks Division staff about this project.

32. Approval of plans for this for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.