



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3848-3864 Maple Grove Drive  
**Application Type:** PD-SIP Alteration  
**Legistar File ID #** [33669](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant:** Dan Schmidt, Copper Creek Apartments, LLC; 6417 Odana Road, Suite 10; Madison.

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

**Property Owners:** 3848 Maple Grove Drive – Country Grove Condominium, Inc., c/o Madison Property Management, Inc.; 1202 Regent Street; Madison.

3864 Maple Grove Drive – Anchor Bank; 25 W. Main Street; Madison.

**Requested Action:** Approval of an alteration to an approved Planned Development–Specific Implementation Plan for 3848-3864 Maple Grove Drive to allow a 42-unit multi-family residential building approved as a condominium to be constructed as a rental apartment building on land addressed as 3864 Maple Grove Drive.

**Proposal Summary:** The applicant wishes to commence construction of the second building as soon as all regulatory approvals have been granted, with completion anticipated in summer 2015.

**Applicable Regulations & Standards:** Section 28.098(6) states that “No alteration of a Planned Development District shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council.” According to Section 28.098(6), the Plan Commission is authorized to approve alterations to a Planned Development zoning district using the review standards in Section 28.098(2).

**Review Required By:** Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the proposed alteration consistent with the Planned Development approved by the Common Council and **approve** an alteration to the Planned Development-Specific Implementation Plan for 3848-3864 Maple Grove Drive to allow a 42-unit multi-family residential building approved as a condominium to be constructed as a rental apartment building at 3864 Maple Grove Drive, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** An approximately 3.6-acre parcel located on the west side of Maple Grove Drive approximately midway between Manchester Road and Fairhaven Road; Aldermanic District 7 (King); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The parcel addressed as 3848 Maple Grove Drive is developed with a three-story, 42-unit multi-family residence that was declared as Country Grove Condominiums. The 3864 Maple Grove Drive parcel is undeveloped and was identified as an expansion area in the declared condominium. The entire site is zoned PD.

**Surrounding Land Use and Zoning:**

North: Undeveloped land in the Town of Verona;

South: Spring Creek Condominiums and 12-unit rental apartment building at 6746 Fairhaven Road, zoned PD;

East: Sandstone Crossing Condominiums, Sandstone Point Condominiums, zoned SR-V2 (Suburban Residential –Varied 2 District); Nesbitt Valley Condominiums, zoned PD;

West: Undeveloped land in the Town of Verona.

**Adopted Land Use Plan:** The Cross Country Neighborhood Development Plan recommends that the subject site and surrounding properties be developed with medium-density residential uses.

**Zoning Summary:** The site is zoned PD and no substantive physical changes to the 42-unit building are proposed. The PD-SIP alteration will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Urban Design (secretary to review any changes), Floodplain, Wellhead Protection, Waterfront Development, Landmarks

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor (see Map C12).

**Public Utilities and Services:** This property is served by a full range of urban services. The nearest Metro Transit service is limited peak hour weekday service located a half-mile north of the site on East Pass and Westin Drive, which cross Maple Grove Drive. The nearest all-day or weekend transit service is located approximately 1.25 miles to the north on Carnwood Road at McKenna Boulevard.

**Previous Approval**

On December 13, 2005, the Common Council approved a request to rezone the subject site from Temp. A (Agriculture District) to PUD-GDP-SIP [1966 Zoning Code] to allow construction of a two-building, 84-unit multi-family development following the demolition of 2 single-family residences. On August 2, 2005, the Common Council approved the annexation of the approximately 4.0-acre site from the Town of Verona.

**Project Description**

The applicant is requesting Plan Commission approval of an alteration to the approved specific implementation plan for a planned development at 3848-3864 Maple Grove Drive to allow the second of two 42-unit multi-family residential buildings approved for the site to be built and operated as rental apartments instead of as a condominium. The subject site is comprised of 2 tax parcels, including the western half of the 3.63-acre overall site, which is addressed as 3848 Maple Grove Drive and is developed with a three-story, 42-unit multi-family

residence that was declared as Country Grove Condominiums in 2007. The eastern portion of the site is addressed as 3864 Maple Grove Drive and is undeveloped. The eastern portion of the property was identified as future expansion area for the Country Grove Condominiums on the recorded condominium plat. The Planned Development zoning approved for the site in 2005 called for a total of 62 two-bedroom and 22 three-bedroom units to be developed in the 2 buildings, with 109 underground parking stalls and 60 surface parking stalls to be located across the property. Most of the surface parking, which includes 2 separate areas south and east of the first building, has been constructed.

The overall site has approximately 380 feet of frontage on Maple Grove Drive. The southwestern corner of the property will touch Fairhaven Road when that public street is extended further northwest as part of the future development of the agricultural lands in the Town of Verona that abut the property on the north and west. The existing 42-unit building on the site takes access from Fairhaven Road across the multi-family property located at 6746 Fairhaven Road via a private access easement between the properties.

The applicant wishes to construct and operate the second 42-unit structure largely as approved but with the building as a rental property instead of as a condominium. The building will include 54 underground auto parking stalls accessed from the west and the easement driveway from Fairhaven Road. The architecture of the second building will closely mirror the building approved for the site, which includes a combination of brick and horizontal siding located above a concrete masonry unit ("CMU") base. The letter of intent identifies a number of smaller modifications to the overall specific implementation plan that will either be codified or implemented with this request, including the addition of 2 surface stalls not shown on the approved plans and deletion of retaining walls, which the applicant indicates were not needed for construction.

The applicant has separately submitted a CSM to create a lot for the 3864 Maple Grove Drive parcel, formally separating it from the remainder of Lot 1 of CSM 12108 (attached) and the Country Grove Condominium plat. The Subdivision Regulations (MGO Section 16.23) allow for the creation of such lots by CSM from existing lots or parcels in a condominium plat as long as the new lot(s) are not part of a condominium and are capable of connecting to City water and sewer. Typically, such lots were identified as expansion areas on a condominium plat. 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. Staff believes that the applicant's proposed one-lot CSM can meet the above criteria and will be approved administratively.

## **Analysis and Conclusion**

The Zoning Administrator has determined that the applicant's proposal to operate the second 42-unit building as a rental property is not permitted by the approved Planned Development zoning, and that Plan Commission approval is needed to allow the project to proceed. In reaching this determination, the Zoning Administrator pointed to language on the February 22, 2006 [PUD] zoning recording cover sheet regarding "...a two building 84 unit condominium project...", a reference in the recorded letter of intent that the project "...may in the future be subjected to a condominium plat and declaration", and the declaration of a condominium for the first 42-unit building as grounds to compel Plan Commission review of the project.

In reviewing the proposed alteration for 3848-3864 Maple Grove Drive, the Planning Division believes that the standards for approval can be met and that the proposed construction and operation of the second 42-unit building approved for the 3.63-acre property as a rental building and not as a condominium is consistent with the Planned Development approved by the Common Council in 2005 despite the proposed change in tenancy.

The plans for the second building very closely mirror the plans approved for this portion of the property, and staff is unaware of any concerns about the alteration from the residents of the first building or the surrounding area, which includes a wide range of large- and small-scale multi-family buildings comprised of owner- or renter-occupied condominiums and rental apartments.

However, despite the proposed change in tenancy for the second building and the related request to formally divide the 3.63 acre Planned Development into 2 properties, it will be incumbent on the overall development to function as one from a plan implementation perspective, including the shared use and operation of all of the elements of the project located outside the 2 buildings.

Because no substantive changes to the proposed building are proposed, the alteration to the specific implementation plan request was not sent to the Urban Design Commission for review. Staff believes that any minor changes to the building or site plans proposed as part of the final plans for the 42-unit building can be addressed at the staff level as minor alterations to the specific implementation plan.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the proposed alteration consistent with the Planned Development approved by the Common Council and the standards of approval for Planned Developments met and **approve** an alteration to the Planned Development-Specific Implementation Plan alteration for 3848-3864 Maple Grove Drive to allow a 42-unit multi-family residential building approved as a condominium to be constructed as a rental apartment building at 3864 Maple Grove Drive, subject to input at the public hearing and the following conditions:

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

1. Prior to the issuance of building permits, the proposed alteration shall receive final approval by the Planning Division Specifically, the final plans shall include the following:
  - a. include detailed floorplans for the second 42-unit building; the proposed floorplans for this building shall be consistent with the floorplans approved for this building in 2005;
  - b. provide a table outlining the number and type of dwelling units in both the existing and proposed building and the number of underground and surface automobile and bike parking stalls serving the entire development.
2. Sheet L1 shall be revised prior to final approval and recording to clarify that the existing trees adjacent to Maple Grove Drive will be preserved as part of the construction of the second building (the sidewalk reference along Maple Grove Drive is out of date, as the public sidewalk adjacent to the subject site has been constructed). Details on how those trees will be preserved during construction of the building shall be provided. If those trees cannot be preserved, a revised landscaping plan shall be submitted for Planning Division approval that calls for the planting of at least as many large-caliper broadleaf deciduous trees along the eastern property line to replace the over-story trees removed.

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

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

3. The pending Certified Survey Map application (CSM) for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits. When the recorded CSM image is available from the ROD, the City Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the permitting system can upload this data and permit issuance made available for this new land record.
  4. Comprehensive agreement(s)/ easement(s) between the future Certified Survey Map lot (existing condominium expansion lands at 3864 Maple Grove Drive) and Country Grove Condominiums shall be drafted, recorded and the location of the easements, notes and recording information placed on the pending CSM prior to recording the CSM. The agreement(s)/easement(s) shall address all common **private** vehicular and pedestrian access facilities, storm sewer facilities, stormwater management facilities, sanitary sewer facilities, water main facilities and common open space areas/facilities.
  5. The site plan shall show and label the Private Access Easement (Document No. 4152910) over adjacent property for access to Fairhaven Road. The easement is generally located at the southwest corner of Country Grove Condominiums and benefits all lands within the Planned Development.
  6. The site plan shall show and dimension the boundary of the pending CSM lot (existing condominium expansion area).
7. The site plan shall identify lot and block numbers of recorded Certified Survey Map.
  8. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
  9. In accordance with 10.34 MGO – Street Numbers: When site plans are final, 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.
  10. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
  11. 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.
  12. All work in the public right of way shall be performed by a City-licensed contractor.
  13. All damage to the pavement on Fairhaven Road and Maple Grove Drive adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
  14. 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 7.5-tons per acre per year.

15. For commercial sites less than 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 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.
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: detain the 2-, 10-, and 100-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of MGO; provide oil & grease control from the first 1/2" of runoff from parking areas, 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 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 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.
19. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
20. 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 Eric Halvorson, 266-6527)

21. Underground parking was not submitted for review; as such, any configuration that does not meet MGO Section 10.08 could result in major alterations to the plan.

22. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

- 23. 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.
- 24. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
- 25. All parking facility design shall conform to standards in MGO Section 10.08(6).

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

- 26. The family definition in the zoning text shall be revised to reflect “in MGO 28.151 for the SR-V2 zoning district”. Under signage, modify the code reference to state “as compared to the SR-V2 district.”
- 27. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
- 28. Provide the minimum bike parking stalls per Section 28.141 of the Zoning Code.

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

- 29. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503.

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

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

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

This agency did not provide comments for this request.

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

31. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this development. The developer must select a method for payment of park fees before signoff on the PD-SIP alteration. This development is within the Elver park impact fee district (SI31). Please reference ID# 06103.1 when contacting Parks Division staff about this project.

- 32. Approval of plans 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.