



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6901-6921 McKee Road  
**Application Type:** PD-GDP Alteration  
**Legistar File ID #** [36300](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary & Background Information**

**Applicant:** Michael Morey, Oakbrook Corporation; 2 Science Court; Madison.

**Property Owner:** Mad Grove, LLC c/o Livesey Company; 2248 Deming Way, Suite 200; Middleton.

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

**Requested Action:** Approval of an alteration to an approved Planned Development–General Development Plan to allow an 80-unit senior apartment building previously approved for development at 6901-6921 McKee Road to be developed as family-oriented housing.

**Proposal Summary:** The 80 units were previously approved in one three-story, H-shaped building located along the McKee Road frontage west of a future north-south private drive to serve the planned development. The alteration calls for the units to instead be located in two three-story buildings surrounding a central surface parking lot in the same location within the larger development. The applicant is seeking affordable housing tax credits for the project from the Wisconsin Housing & Economic Development Authority. If awarded those tax credits, the applicant proposes to commence construction in fall 2015 following specific implementation plan approval.

**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

**Existing Conditions and Land Use:** The overall planned development occupies approximately 14 acres of land generally located at the southwestern corner of McKee Road (CTH PD) and Maple Grove Drive; Aldermanic District 7 (King); Madison Metropolitan and Verona Area school districts. The proposed apartment development will occupy approximately 3 acres located at the western edge of the 14-acre PD district on the south side of McKee Road.

**Surrounding Land Use and Zoning:**

North: Chester Creek Townhomes, zoned PD; Family Video, zoned CC-T (Commercial Corridor–Transitional District);

South: Stone Creek Apartments on the north side of East Pass, zoned SR-V2 (Suburban Residential–Varied 2 District) and PD;

**West:** Four- and six-unit apartment and condominium buildings along Stonecreek Drive, zoned SR-V1 (Suburban Residential–Varied 1 District) and SR-V2;

**East:** Undeveloped land for future mixed-use development within this PD; across Maple Grove Drive: Walgreens, Copps and multi-tenant retail/ commercial, and Westin Place Apartments, all zoned PD.

**Adopted Land Use Plan:** The Cross Country Neighborhood Development Plan recommends the site to be developed with the 80 apartment units and the remainder of the McKee Road frontage west of Maple Grove Drive for commercial-offices uses related to the 1995 approval of that site for a medical-office campus. That portion of the site was previously recommended for medium-density residential uses.

The Comprehensive Plan generally identifies the subject site and overall PD district for future Neighborhood Mixed-Use development. The neighborhood mixed-use recommendation also encompasses the commercially developed properties on the other three corners of the McKee Road/ Maple Grove Drive intersection. The intersection is also generally identified in the Comprehensive Plan for future Transit-Oriented Development.

**Environmental Corridor Status:** The overall planned development is not located within a mapped environmental corridor (see Maps B12 and C12)

**Public Utilities and Services:** This property is served by a full range of urban services. Metro Transit operates limited peak hour transit service on weekdays along Stonecreek Drive and East Pass, west and south of this project. All-day and weekend transit service is approximately a half-mile north on Carnwood Road at McKenna Boulevard.

**Zoning Summary:** The subject property is zoned PD. The proposed alteration will be reviewed in the following section.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning (for SIP approval)), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Adjacent to Landmark
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

## Previous Approvals

On December 19, 1995, the Common Council approved a request to rezone approximately 36 acres located at the southwestern corner of McKee Road and Maple Grove Drive from Temp. A to R4 and R5 (General Residence Districts) and PUD-GDP [1966 Zoning Code] and the preliminary plat of the East Pass Addition to Country Grove subdivision, which created four PUD-GDP-zoned lots along McKee Road for future medical-office development as well as various lots to the south and west for primarily multi-family residential development. The final plat of East Pass Addition to Country Grove was approved by the Council on July 2, 1996 and was recorded on July 24, 1996. The final plat includes a 30-foot building line parallel to McKee Road and a restriction limiting the McKee Road frontage to one driveway access.

On January 19, 2010, the Common Council approved a request to rezone approximately 5.65 acres of land located at 6901-6921 McKee Road from PUD-GDP to PUD-GDP to allow the future construction of an 80-unit senior apartment building. On March 2, 2010 meeting, the Common Council approved a request to rezone the remainder of the overall 14-acre site, addressed as 6701-6801 McKee Road and 3210 Maple Grove Drive, from Temp. A (Agriculture District), R1 (Single-Family Residence District) and PUD-GDP to PUD-GDP to allow the

future construction of 110 apartments in 4 residential buildings and up to 90,000 square feet of retail in 6 commercial buildings.

On January 17, 2012, the Common Council approved a request to rezone 3210 Maple Grove Drive from PUD-GDP to PUD-SIP to allow demolition of a church/ school and construction of 106 multi-family residential units in four buildings.

## Project Description

The applicant is requesting to amend a previously approved general development plan to allow an 80-unit apartment building located at the western edge of a larger 14-acre Planned Development to be developed as family housing instead of senior housing as previously intended. The proposed apartment building will occupy approximately 3 acres of the PD district, and is part of a group of parcels extending along the McKee Road (CTH PD) frontage east to Maple Grove Drive that were at one time approved to accommodate the development of a Dean Medical campus, which did not proceed past the general development plan and subdivision plat approval in 1995. The portion of the 14-acre site to be developed with the 80-unit apartment building as well as the remainder of the McKee Road frontage is currently undeveloped.

In addition to the 302-unit Stone Creek Apartments complex south of the site, which includes 106 units constructed as part of this PD district along Maple Grove Drive, the surrounding area is characterized by a variety of primarily multi-family residential uses located to the north, south and west, including a series of four- and six-unit multi-family buildings located on both sides of Stonecreek Drive west of the site. The other 3 corners of the Maple Grove-McKee intersection are developed with a variety of one-story commercial uses, including a Copps grocery store and Walgreens pharmacy east of the site across Maple Grove Drive.

The subject site is located on the northernmost edge of the Cross Country Neighborhood Development Plan, which was adopted in 1993 to guide development of the portion of the City bounded by McKee Road on the north, the City of Verona on the west, Cross Country and Nesbitt roads on the south and the City of Fitchburg on the east. The McKee Road frontage of the PD district is currently identified in the plan for commercial-office uses owing to the earlier approval for the Dean campus. Originally, the plan recommended that this portion of the site be developed with medium-density residential uses. The land use recommendation for the subject site was revised in 2006 with the adoption of the Comprehensive Plan, which recommended that the 14-acre PD district and existing commercially developed properties located on the other 3 quadrants of the Maple Grove-McKee intersection for transit-oriented neighborhood mixed-use development. In general, neighborhood mixed-use areas are intended to include commercial spaces primarily focused towards serving surrounding neighborhoods, with any residential uses generally not to exceed 40 dwelling units per acre.

The overall general development plan for the subject site includes 3 distinct components that will be developed by different parties but share access, internal circulation and stormwater management facilities. Access to the planned development is currently provided by Mader Drive, an east-west private drive that extends between Stonecreek and Maple Grove drives. A north-south drive is shown on the approved general development plan to extend between McKee Road and Mader Drive to provide access into and circulation through the overall development. Per the 2010 approval, the north-south drive will include ingress and egress to and from eastbound McKee Road and ingress from westbound McKee. However, no westbound turn movement from the site was permitted by the Dane County Department of Public Works, Highways & Transportation, which has jurisdiction over McKee Road as a county trunk highway.

The 80-unit senior apartment building was approved on the current general development plan as a three-story, H-shaped building to be located parallel to and approximately 35 feet south of McKee Road immediately west of the future north-south private drive. The amended general development plan calls for the 80 units to be built in 2 three-story buildings to be located north and south of a central parking area. The northern of the 2 buildings will be L-shaped and include 49 of the proposed units, with the north and east facades to parallel McKee Road and the north-south drive, respectively. Parking for 51 cars is proposed beneath the 49-unit building, with access to the parking garage from the driveway that will serve the 3-acre apartment site from the north-south drive. South of the driveway, the remaining 31 units proposed will be located in a building that overlooks the parking area and adjacent private stormwater management facility that serves the larger planned development. Underground parking for 31 cars will be provided beneath the southern building. Surface parking for 63 vehicles will be located in the courtyard between the two buildings. A playground is proposed adjacent to the west wall of the northern building, and a community room and outdoor terrace are proposed on the first floor of the southern building. The 80 family units proposed in the amended general development plan will consist of 36 one-bedroom apartments, 34 two-bedroom apartments, and 10 three-bedroom apartments. Ten of the units in the northern building will be two-story townhouse-style units, as noted on the conceptual floorplans. The letter of intent indicates that the 80 units will be a mix of affordable and market-rate dwellings targeted to families, seniors, persons with disabilities, and persons requiring supportive services to live independently. A management office will be located on the first floor of the northern building.

The applicant will be requesting approval of Section 42 affordable housing tax credits for the project from the Wisconsin Housing & Economic Development Authority (WHEDA). The project also received funding from the City's Affordable Housing Initiative. If the WHEDA tax credit application is approved, a specific implementation plan approved by the Common Council following review by the Urban Design Commission and Plan Commission will be required prior to construction of the 80-unit building commencing.

East of the proposed 80-unit apartment, the general development plan continues to call for 6 one- to two-story buildings to be constructed in the block that will be bounded by McKee Road, Maple Grove Drive, Mader Drive and the future north-south private drive. The 6 future buildings will surround a central parking and open space area, and potentially include up to 90,000 square feet of commercial space, including one building proposed along the McKee Road frontage that may include a vehicle access sales and service window per the 2010 general development plan approval. No changes to this portion of the PD district are proposed. A rendering of the overall development is included in the application materials, which depicts the future commercial area, proposed 80-unit apartment building, completed 106-unit apartment development along Maple Grove Drive, and the established portion of the Stone Creek Apartment complex that extends south to East Pass.

## **Analysis and Conclusion**

No alteration of a Planned Development is 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 (or his/ her designee) and are consistent with the concept approved by the Common Council. Staff felt that the revised layout of this portion of the larger PD district and the proposed change in intended market for the 80-unit apartment building from seniors to a mix of families, seniors, persons with disabilities, and supportive housing units warranted review of the amended general development plan by the Plan Commission.

In reviewing the proposed alteration, the Planning Division believes that the standards for approval can be met. The revised site plan for the 80-unit building is largely consistent with the planned development approved by

the Common Council in 2010, and staff is unaware of any concerns from residents or property owners in the surrounding area regarding the revised site layout or proposed change in future occupancy.

## 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–General Development Plan for 6901-6921 McKee Road to allow an 80-unit apartment building approved for senior housing to be constructed as a family oriented apartment building, subject to input at the public hearing and the following conditions:

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

1. The subject development shall be subject to the zoning text for the overall Planned [Unit] Development–General Development Plan previously approved and recorded in 2012.

### The following conditions have been submitted by reviewing agencies:

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

2. The north-south private drive off of McKee Road will need to be named in order to create addresses for the proposed apartments. Submit naming suggestions for the proposed street to Lori Zenchenko in the Engineering- Mapping section at [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com).
3. The applicant shall verify the sanitary sewer service to this development prior to specific implementation plan approval. If a private sanitary sewer main is desired, a private easement agreement shall be recorded at the Register of Deeds. If a public sanitary sewer main is requested, the applicant will be required to dedicate a 15-foot wide public sanitary sewer easement prior to the final approval of the SIP. If the applicant wishes to have public sanitary sewer installed, a Developer’s Agreement will be required.
4. The entrance to the underground parking lot for the north building is below the 100-year elevation of the detention basin. As proposed, this will flood the basement. A revised plan or plumbing plan, stamped by a professional engineer or a master plumber, will be required prior to sign off on the specific implementation plan and issuance of building permits.
5. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary 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.
6. 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.

7. All work in the public right of way shall be performed by a City-licensed contractor.
8. All damage to the pavement on McKee Road adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
9. 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.
10. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
11. 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.
12. 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.
13. 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-, & 100-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of Madison General Ordinances; provide substantial thermal control; provide oil and grease control from the first 1/2" of runoff from parking areas, 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.
14. 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).
15. 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.
16. 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)

17. 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.
18. 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.
19. 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.
20. All parking facility design shall conform to the standards in MGO Section 10.08(6).

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

21. Provide 80 bike parking spaces in a safe and convenient location on an impervious surface to be shown on the specific implementation plan for the apartments (1 per dwelling unit plus one visitor space per 10 required spaces, visitor stalls shall be in a convenient and visible area within 100 feet of a principal entrance). Stalls shall be distributed as both *Short Term* and *Long Term* bicycle parking, as required per MGO Sections 28.141(3) 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). Identify 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 with the SIP.

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

22. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Sec. 34.503. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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

23. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21. The Water Utility will not need to sign off the final plans for the building, and will not need a copy of the approved plans.

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

24. 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. The developer must select a method for payment of park fees before signoff on

the development. This development is within the Elver park impact fee district (SI31). Please reference ID# 10127 when contacting Parks Division staff about this project. [Note: 2015 Park Impact Fees are now in effect.]

25. Trees shown on private street that is located between private street Mader Drive and McKee Road should not be listed on Landscape Plan as "Street Trees by City Forester". City Forestry will not specify locations or species along private streets. [Those trees should instead be approved as part of the landscaping plan with the specific implementation plan.]
  26. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, and DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
  27. Existing street trees along McKee Road 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." Tree protection specifications can be found in Section 107.13 of the City of Madison Standard Specifications for Public Works Construction.
28. 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.

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

This agency did not provide comments for this request.