



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 9306-9414 Silicon Prairie Parkway and 9315 Fortunate Place

**Application Type:** Conditional Use Alteration

**Legistar File ID #** [35162](#)

**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary & Background Information

**Applicant:** John McKenzie, McKenzie Apartment Company; 732 Bear Claw Way; Madison.

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

**Requested Action:** Approval of an alteration to an approved conditional use for a residential building complex to allow various modifications to the site plan and plans for 8 buildings approved for 286 apartments on property addressed as 9306-9414 Silicon Prairie Parkway and 9315 Fortunate Place. Construction of the apartment complex commenced this summer, with completion scheduled for 2017.

**Applicable Regulations & Standards:** The Zoning Code defines a Residential Building Complex as a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management subject to supplemental regulations in Section 28.151. Table 28C-1 of Section 28.032(1) identifies residential building complexes as a conditional use. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits. Review of a residential building complex by the Urban Design Commission is required per Section 33.24(4)(c) of the Urban Design Commission ordinance.

**Review Required By:** Urban Design Commission and Plan Commission

**Existing Conditions:** The subject site is an undeveloped, approximately 10-acre parcel generally located on the north side of Silicon Prairie Parkway approximately 500 feet east of South Point Road, Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District (future Madison Metropolitan School District).

**Surrounding Land Use and Zoning:** With the exception of a variety of existing and future single-, two- and multi-family residences in the Cardinal Glenn subdivision, the immediate surrounding parcels are undeveloped.

**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 per acre.

**Zoning Summary:** The subject property is zoned TR-U1 (Traditional Residential–Urban 1 District) and was previously reviewed for conformance with the requirements of that district when the residential building complex was initially approved in January 2014.

## Alteration Description, Analysis and Conclusion

On January 13, 2014, the Plan Commission approved a conditional use to allow the construction of a residential building complex containing 286 apartments to be located in eight 32- or 38-unit buildings on the approximately 10-acre site, which was created from a larger 26.9-acre parcel by Certified Survey Map. The Urban Design

Commission reviewed the residential building complex at its January 8, 2014 meeting and recommended final approval. The site of the apartment development was zoned TR-U1 by the Common Council in August 2013.

Following the January approvals, the applicant submitted plans for final staff approval prior to the issuance of building permits that were generally consistent with the plans approved by the commissions with the exception that Buildings 1 and 2 were turned approximately 90 degrees to address a condition of approval to create additional building presence along Silicon Prairie Parkway. The configuration of the pool and clubhouse were also revised as a result of the changes to those two apartment buildings. The elevations of the 8 buildings, however, were principally unchanged from those approved by the commissions. During its review, Planning staff added the following clarification to its approval of the plans for permit issuance:

*"No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units are shown on the elevations facing the public rights of way adjacent to the development, and none shall be permitted without an alteration approved by the Planning Division Director or Plan Commission."*

Following the sign-off of those plans and the commencement of construction, the applicant submitted revised building elevations that included the addition of louvers for the venting of individual in-unit "wall-pack" heating and air-conditioning units, as well as provided information on where electric meters would be installed on the exterior of the buildings.

The Zoning Code allows the Director of Planning and Community and Economic Development (or his/her designee) to approve minor alterations or additions to conditional uses. In this case, however, the Director did not believe the proposed louvers should be approved administratively. Concerns were raised on both the modification's aesthetic impacts and the precedent of administratively approving façades that were presented in one manner to the Urban Design Commission and Plan Commission and in a different manner when permits were being sought.

The Planning Division understands that wall-packs are a relatively cost effective way to heat and cool larger buildings. However, staff has become increasingly concerned about the aesthetics of in-unit, "wall-pack" ventilation systems, as well as about the noise and energy efficiency of those units. Unlike a central boiler, chiller or condenser that may be located within a screened area on the roof or in the basement of a building or in a screened area adjacent, wall-packs tend to be sited in myriad ways on the exterior of a building to correspond to the layout of individual interior spaces, and therefore, in a more decentralized manner that can have a negative impact on the aesthetics of a project if not architecturally incorporated into the building's design in a thoughtful, cohesive manner.

Similarly, exterior-mounted electric or gas meters can detract from the appearance of certain larger buildings if large areas of such meters are proposed. In this case, the applicant has identified groupings of electric meters that will measure 13 feet in length and 5 feet in height to be located at the base of the eight buildings, with most of the groupings located adjacent to the entrance into the parking garages below the buildings. With the exception of the meters serving Building 5, which do not face Fortunate Place but will be visible from it at the northwestern corner of that building, the applicant has located the meters in a fashion that should have limited or no visibility from the public rights of way surrounding the site.

The site plan changes for Building 3 at the center of the site identified in the letter of intent are minor in staff's opinion and would likely have been approved administratively if not for the building exterior changes also submitted with this request.

In reviewing the proposed alterations to the building exteriors, the Plan Commission should consider the requested alterations against the conditional use standards, including standard #9, which states:

*“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.”*

In this case, the applicant is required to receive a recommendation from the Urban Design Commission by virtue of the development being a residential building complex. However, in making its recommendation to the Plan Commission, staff believes that a specific finding from the UDC that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area will provide important guidance to the Plan Commission as they consider approval of the proposed alterations.

Staff has advised the applicant that should the alterations not be approved, the elevations must match those approved by the Commission, which would likely result in changes to the HVAC system for these buildings.

## Recommendation

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

If the Urban Design Commission and Plan Commission can find the standards for conditional uses met, in particular standard #9, the alterations to the approved conditional use for a residential building complex at 9306-9414 Silicon Prairie Parkway and 9315 Fortunate Place should be approved subject to input at the public hearing and the following conditions:

#### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. Revise the development plans prior to final staff approval and the issuance of building permits as follows to revise Sheet 21 to correctly label the elevations by elevation (north, south).

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

2. It is understood that this conditional use approval is for façade changes only. The applicant shall comply with the conditions of approval from the January 14, 2014 Planning Division approval letter and with the previously approved site, utility, erosion and grading plans and permits on file.

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

This agency submitted a response with no comments or conditions of approval for this request.

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

3. The revised site plan showing the relocated bike rack shall be reflected on the approved landscape plan.

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

This agency submitted a response with no comments or conditions of approval for this request.

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

4. 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)

5. Per the previous approval of this project, 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. This development is within the Elver Park impact fee district (SI31). Please reference ID# 13137 when contacting Parks Division staff about this project.
6. 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.

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

This agency did not provide comments for this request.