



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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December 19, 2012

Brian Munson
Vandewalle & Associates
120 E. Lakeside Street
Madison, Wisconsin 53715

RE: Approval of a request to rezone property generally addressed as 6002 Cottage Grove Road from Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-Specific Implementation Plan (PUD-SIP) to allow construction of an approximately 58,000 square-foot Copps grocery store in the Grandview Commons Town Center.

Dear Mr. Munson;

At its December 11, 2012 meeting, the Common Council **conditionally approved** your application to rezone property generally addressed as 6002 Cottage Grove Road from PUD-GDP to PUD-SIP, subject to the following conditions of approval, which shall be satisfied prior to final approval and recording of the planned unit development and the issuance of permits for new construction:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-six (26) items:

1. All appropriate conditional approval comments for the concurrent Town Center Addition to Grandview Commons final plat application and the related PUD-SIP rezoning for 5925 Sharpsburg Drive shall be completed and the final plat recorded with the Register of Deeds upon final City rezone approvals for this development and prior to issuance of building permits for any of the new platted lots that are to be created.
2. The applicant shall meet with City Engineering and Traffic Engineering staff to determine the contractual requirements for the improvements that are being proposed for this application, the application for the final plat of Town Center Addition to Grandview Commons plat and the PUD-SIP rezoning of 5925 Sharpsburg Drive. This application may require a developer's agreement for the public infrastructure necessary to install the improvements to serve the project, unless the improvements are to be covered under the related and concurrent applications.
3. The private sidewalk connection from proposed Kilpatrick Lane to this property shall be considered a Type V sidewalk, which is privately owned and maintained.
4. The developer shall execute a waiver for hearing and notice of assessments related to the reconstruction of Cottage Grove Road.
5. The applicant shall dedicate additional right of way on Cottage Grove Road for the necessary sidewalk easements for the proposed 8-foot wide sidewalk, and construct the required sidewalk and terrace improvements, as approved by the City Engineer and City Traffic Engineer

6. The proposed sidewalk connection and retaining walls for this project are designed on adjacent Outlot 32 of the proposed Town Center Addition to Grandview Commons subdivision plat. A maintenance agreement shall be recorded at the Register of Deeds outlining the maintenance rights and responsibilities for these improvements. Any necessary private easements needed shall be included with the plat sign off process.
7. The developer is proposing to install public water and sanitary sewer for this development. Dedication of public easements shall be coordinated with the final plat. Access easements for maintenance across the parking areas will be required if these improvements are outside of the public right of way.
8. The applicant shall coordinate all construction with the City's proposed Cottage Grove Road reconstruction project scheduled for 2015.
9. The applicant shall be responsible for the completion of the improvements adjacent to the existing Doric Lodge site, which include the construction of curb and gutter, street, sidewalk public and private utilities. The applicant shall meet with City staff to determine the cost sharing requirements for the Cottage Grove Road reconstruction for improvement beyond those required for the frontage of the Doric Lodge site, to accommodate the development of the proposed grocery store.
10. The construction of this development will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
11. This development is subject to impact fees for the Door Creek North– Phase 2 Sanitary Sewer and Stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued (per MGO Ch. 20). The following note shall be placed on the face of the plans and final plat:

"Lots / buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
12. The applicant shall make improvements to Cottage Grove Road in order to facilitate ingress and egress to the development. The improvement shall include turn lanes and median improvements.
13. The approval of this development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
14. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the

proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.

15. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
16. All work in the public right of way shall be performed by a City-licensed contractor.
17. All damage to the pavement on Cottage Grove Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
18. 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.
19. 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.
20. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over 1 acre of disturbance, for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151 but a separate permit submittal is now required by the WDNR for this work as well. The City cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than 1 acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

21. Prior to final 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-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; 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 the Madison General Ordinances.
22. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement.
23. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other

miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

24. 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.
25. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. (Per MGO 37.05(7))
26. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.

Please contact David Dryer of the Traffic Engineering Division at 267-8750 if you have questions about the following sixteen (16) items, including the condition modified by the Plan Commission (#30, see emphasis):

27. Consistent with the general development plan, the specific implementation plan shall be modified for and contain a number of improvements to adequately support the development, City concerns, and multimodal options.
28. The applicant will shall enter into a developer's agreement contract with the City to pay for and provide the necessary improvements and roadway modifications that are required to support the proposed development, prior to final approval. The applicant may need to make improvements to public streets considered temporary until such time as the ultimate improvements are undertaken.
29. To address concerns with traffic impacts on adjoining neighborhood streets, the developer shall be responsible for entering into a developer's agreement and contract with the City. The developer shall develop a street re-design and/ or traffic calming design in cooperation with the neighborhood(s) and shall enter into a private contract with the City for the subject street's reconstruction and/ or package of treatments. These would be reviewed and approved by the Board of Public Works as a private development requirement. A deposit and surety is to be required as a failsafe if the developer isn't able to perform this work. This approach would be similar to the developer installing new streets like Gemini Drive and temporary changes on Cottage Grove Road. The subject streets are Sharpsburg Drive (Gemini Drive to McLean Drive); Sharpsburg Drive (McLean Drive to McClellan Drive), and; McLean Drive (Cottage Grove Road to Cottontail Trail). It is recommended the developer conduct sufficient meetings with the neighborhoods and alders, first to gain input and second for review and comment. Following these public meetings the City's Board of Public Works shall review and approve the recommended design(s) in order for the developer and City to proceed to developing final engineering plans and specifications. The recommended improvements shall be implemented such that they are in place when the store opens in 2014 or shortly thereafter.

30. The applicant shall provide a considerable deposit for signing and marking for new traffic control measures, including McLean Drive and Sharpsburg Drive and its intersections with Gemini Drive and North Star Drive. This includes money for stops signs, parking, crosswalks and bike lanes.
31. The applicant shall work with Planning, City Engineering and Traffic Engineering staff to develop an interim construction plan for Cottage Grove Road for the development until Cottage Grove Road is reconstructed in the future (currently planned for 2015). This shall include installation of widened, minimum 8-foot wide sidewalk, shared use path like the one installed along University Avenue. This shall also include wider crosswalk ramps and markings at the intersections of McLean Drive and Gemini Drive. The agreed upon reconstruction shall be in place when the store opens in 2014.
32. The applicant shall work with Planning, City Engineering and Traffic Engineering staff to develop and install Gemini Drive. Its right of way shall be 80 feet wide with a 44-foot wide street, a 14-foot wide terrace on the west side, and a 20-foot wide terrace on the east side. The 20 feet shall include a 6-foot sidewalk, 8-foot cycle track, and 6-foot tree/sign terrace.
33. The applicant shall work with Planning, City Engineering and Traffic Engineering staff to develop and secure a site plan to provide a 20-foot wide walkway along the grocery storefront from Cottage Grove Road to the central walkway and Big Dipper Drive. The 20 feet shall include a 6-foot sidewalk, 8-foot cycle track, and 6-foot tree/sign terrace.
34. Final details of the site plan parking lot and drive aisle widths/ dimensions shall be finally reviewed and approved by the Traffic Engineer. Some drive lanes may need to be widened and/or relocated.
35. To increase pedestrian accommodations, all intersections of the site parking facilities with public streets shall be driveway-type connections, so the pedestrian sidewalk is elevated across the lanes.
36. Prior to final approval, the applicant shall be responsible for securing all proper permits and approvals for driveway approaches and proposed median breaks onto Cottage Grove Road (CTH BB) from the Dane County Highway and Transportation Department. The applicant shall provide copies of all approved permits to the Traffic Engineering Division prior to approval of plans.
37. The applicant will need to demonstrate how the truck service will ingress the truck loading area off of Cottage Grove Road as well as maneuver through the site and egress back onto Cottage Grove Road.
38. The applicant shall be responsible financially to maintain pavement markings and signage as approved by the City Traffic Engineer. The applicant shall at all times maintain crosswalks, stop bars and lane lines, and signage. The applicant shall show, lane dimensions, lane line color and width according to the Federal Highway Administration "Manual On Uniform Traffic Devices." in epoxy for lane lines, 12-inch cross walk lines, 24-inch stop bars, pavement markings details and signage to as approved by the City Traffic Engineer. In addition, a note shall be shown on the plan, "All pavement markings shall be installed in epoxy and maintained by the property owner."
39. The applicant shall be required to provide any necessary easements for the installation of street lights and traffic signals, including control boxes, loops, hand-holes, markings and signing.
40. When the applicant submits final plans of one contiguous plan 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 property lines, addresses, showing all easements, all pavement markings, building

placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1"=20'.

41. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
42. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible. If the internal street is to be public, the developer shall provide an upfront capital fee for the annual upkeep and maintenance, to be determined by the Traffic Engineer.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

43. Note: All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven (7) items:

44. Show addresses of the buildings on the building footprint of the site plans. Show the gross square footage of the buildings on the plans.
45. Meet all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of seven (7) accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent. The remainder of the accessible stalls shall have a 5' striped out area adjacent to the stall.
 - b.) Show signage at the head of the stalls.
46. Provide three (3) 10' x 50' loading areas with 14 feet of vertical clearance on the final plans. The loading area shall be exclusive of drive aisle and maneuvering space. Call out and dimension these areas and sign the loading areas. Vehicles cannot encroach into the loading area or the 24-foot drive aisle.
47. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting plan showing that the maximum light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison Lighting Ordinance for more information).
48. Provide 30 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. Note: A bike parking stall is 2 feet by 6 feet with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
49. Provide a detailed landscape plan showing species and sizes of landscape elements. For parking lot plans with greater than 20 stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the

landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

50. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31. Signage must be approved by the Urban Design Commission and Zoning Office. Sign permits must be issued by the Zoning Office of the Department of Planning and Community and Economic Development prior to sign installation

Please contact my office at 261-9632 if you have questions about the following ten (10) items, including the conditions added by the Plan Commission (#56-59) and Common Council (#60):

51. That the specific implementation plan be revised per Planning Division approval prior to recording and the issuance of building permits for the grocery store as follows:
- a.) Revise the Signage section of the zoning text to state: "Signage for the project shall be limited to the maximum permitted in the C2 zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator";
 - b.) Identify tree 6 on the November 7 tree preservation plan, which is shown to be preserved, on the final landscaping plans;
 - c.) Include a detailed plan for the outdoor sales and display areas shown on the plan, including their outer dimensions. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. The final zoning text for the grocery store shall specifically identify the materials to be sold or displayed in those areas.
52. A detailed plan shall be submitted for approval by the Planning Division in consultation with the Building Inspection Division that shows how noise from rooftop mechanical units will be minimized prior to recording of this PUD-SIP and issuance of building permits for the grocery store. The plan shall include information on the noise generated by the proposed rooftop equipment under regular operating conditions (measured in decibels) and the mitigating impact any proposed acoustical screens will have (measured in decibels) adjacent to the screen, at the roof parapets, and at the adjacent property lines. The goal of this plan will be to meet or exceed the minimum noise limits applicable in MGO Section 24.08, which generally limit noise emitted from a stationary source to 65 dBA at a residentially zoned receiving zone as defined in said ordinance section.
53. Per MGO 33.24(4)(f)13, no delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 decibels or less, as measured at the lot line of any adjoining property.
54. That no outdoor sales, display or seasonal storage occur in any of the parking areas of the proposed grocery store.
55. Note: Per a condition of the general development plan approval, any proposed non-compete clauses or private land use restrictions are required to be submitted for approval by the Plan Commission and Common Council. The goal of this condition was to ensure that any such non-compete clauses or private land use restrictions not limit the ability for the approved general development plan for the mixed-use town center to be implemented to the fullest extent possible. To enforce the general development plan condition, the City could consider a restrictive covenant against the proposed town center lots as part of its review of any non-compete clauses or private

land use restrictions. Staff believes, however, that the review authority to enforce this general development plan condition can be delegated to the Director of the Department of Planning and Community and Economic Development.

56. That the trash enclosure along the rear, eastern wall of the store be at least 2 feet taller than the tallest component within the enclosure.
57. Clarify the elevations to ensure that the height of the loading dock walls will be at least 2 feet taller than a WB-65 truck parked at the docks.
58. That the acoustic screens proposed to screen rooftop mechanical units be 2 feet taller than the unit being screened.
59. That the final TDM plan be approved by the Director of the Planning Division following a recommendation by the City Traffic Engineer prior to issuance of building permits per Sec. 33.24(4)(f)9.d.
60. That the zoning text be revised to include the following: "The Plan Commission retains continuing jurisdiction over the grocery store for the purpose of resolving complaints regarding noise impacts generated by the store's mechanical equipment (HVAC, store refrigeration, etc.") and service the functions along the eastern wall, including loading, delivery, and trash collection and compaction. Any citizen, the Zoning Administrator, or other official may file a written complaint with the Plan Commission. If the Plan Commission initially determines with a reasonable probability that a violation to the approved specific implementation plan or Section 24.08 MGO exists, which results in a negative noise-generated impact, it shall conduct a hearing after giving notice as required for zoning map amendments in the Zoning Code. The Plan Commission may, in order to bring the project into compliance with the approved plans and Section 24.08 MGO, modify the existing conditions and impose additional reasonable conditions relating to addressing noise generated by the store's mechanical equipment and service functions."

Note: Per the condition of the GDP zoning approval: Prior to or concurrent with, the Specific Implementation Plan (SIP) for the grocery store being recorded and building permits issued, an SIP for a building on the B or C blocks of the Town Center (other than the library) shall be approved and recorded and building permits issued.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

After the planned unit development has been revised per the above conditions, please file nine (9) sets of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.12(13)(a)10 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office.

The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12 (10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
David Dryer, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Dennis Cawley, Madison Water Utility
Pat Anderson, Asst. Zoning Administrator

For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☐	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering	☐	Rec. Coord. (R&R Plan)
☒	Fire Department	☐	Other: