



Report to the Plan Commission

November 19, 2012

Legistar ID #28117
5925 Sharpsburg Drive
PUD-SIP Rezoning

Report Prepared By:
Timothy M. Parks, Planner,
Planning Division Staff

Requested Actions: Approval of a request to rezone property generally addressed as 5925 Sharpsburg Drive from Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-Specific Implementation Plan (PUD-SIP) to allow construction of an approximately 3,800 square-foot multi-tenant retail building in the Grandview Commons Town Center.

Applicable Regulations & Standards: Section 28.12(10) provides the process for zoning map amendments. Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments.

Summary Recommendation: The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment ID 3633, rezoning 5925 Sharpsburg Drive from PUD-GDP to PUD-SIP, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Jeff Rosenberg, MREC VH Madison Investors, LLC; 6801 South Towne Drive; Madison.

Agent: Brian Munson, Vandewalle & Associates; 120 E. Lakeside Street; Madison.

Proposal & Parcel Location: The applicant is requesting approval of a specific implementation plan to allow construction of a one-story, 3,760 square-foot multi-tenant retail building on approximately 0.3 acres of land located at the northeastern corner of Cottage Grove Road and extended Gemini Drive in the Grandview Commons Town Center development west of the proposed 58,000 square-foot Copps grocery store at 6002 Cottage Grove Road (ID 28116, on this agenda). The application materials indicate that construction of the building will commence in 2013, with completion scheduled in 2014. The proposed "C3" retail building and larger Grandview Commons development are located in Aldermanic District 3 (Cnare) and the Madison Metropolitan School District.

Existing Conditions: The site of the proposed multi-tenant building is currently undeveloped.

Land Use and Zoning Surrounding Proposed Building: The proposed C3 building will be located west of the proposed Copps grocery store, whose parking it will share. A second 3,800 square-foot multi-tenant retail building identified as the C2 building, will be located to the north, with the site of a future City library located further to the north at Sharpsburg Drive. Land west of the site across extended Gemini Drive will be developed with four commercial or mixed-use buildings that will occupy the block bounded on the west by North Star Drive. Land to the south of the proposed C3 building is developed single-family residences in the Richmond Hill subdivision in R1 (Single-Family Residence District) zoning and the Marian Shrine of the Sisters of Schoenstatt and undeveloped land, zoned A (Agriculture District).

Adopted Land Use Plan: The Comprehensive Plan was amended earlier this year to recommend the portion of the Grandview Commons Town Center east of extended Gemini Drive for Community Mixed-Use development. The portion of the town center located west of extended Gemini is recommended for Neighborhood Mixed-Use development. The lands located generally to the north and east of the proposed plat are recommended for Low-Density Residential uses.

The recently amended Sprecher Neighborhood Development Plan identifies the Grandview Commons neighborhood mixed-use center properties located on both sides of North Star Drive for mixed uses. The site of the future City library is identified for institutional uses. The single-family lots to the north and east of the mixed-use commercial/ residential area are recommended for low-density residential uses.

Environmental Corridor Status: This site is not located within a mapped environmental corridor.

Public Utilities and Services: Grandview Commons is served by a full range of urban services except Metro Transit, which does not currently serve any neighborhoods in this area east of Interstate 39-90 except for the southernmost portions of the Richmond Hill subdivision at E. Buckeye Road.

Zoning Summary: The proposed building will be rezoned PUD-SIP with this application. The specific implementation plan will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PUD), Barrier Free
No:	Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Utility Easements
Prepared by: Pat Anderson, Asst. Zoning Administrator	

Future Zoning Summary: In order to provide conforming zoning to the subject site upon the effective date of the new Zoning Code on January 2, 2013, the zoning map amendment ordinance includes the creation Section 28.022-00002 to rezone the site to the Planned Development-Specific Implementation Plan (PD-SIP) zoning district.

Previous Approvals

On February 5, 2002, the Common Council approved a request to rezone 232.6 acres of land located in the northeastern quadrant of Cottage Grove Road and Interstate 39-90 from A (Agriculture District) to PUD-GDP and approved the preliminary plat of Grandview Commons for the future development of 557 single-family residences, 20 two-family residences, up to 785 multi-family residential units (throughout the development), 100,000 square feet of retail/ office uses, and 20,000 square feet of additional office space above the first floor in the neighborhood center.

On June 4, 2002, the Common Council approved an Amended PUD-GDP and a PUD-SIP for the first phase of Grandview Commons to allow development of 557 single-family residences, 20 two-family residences, up to 1,248 multi-family residential units (throughout the development), 100,000 square feet of retail/ office uses, 50,000 square feet of flex space, and 20,000 square feet of additional office space above the first floor in the neighborhood center.

On June 18, 2002, the Common Council approved a revised preliminary plat and final plat of Grandview Commons. The final plat was recorded on November 6, 2002.

On October 16, 2006, the Plan Commission approved a demolition permit to allow the former Doric Lodge located at 5925 Sharpsburg Drive to be demolished.

On July 17, 2007, the Common Council approved a major alteration to the general development plan for the Grandview Commons Neighborhood Center–Mixed-Use district to allow up to 90,000 square feet of retail/office uses and 162 residential units to be developed on the portion of the neighborhood center located east of North Star Drive. The Council also approved a Certified Survey Map to create two lots within the mixed-use center, including a lot donated to the City for a future City library.

On March 20, 2012, the Common Council approved a request to rezone properties generally addressed as 5925 Sharpsburg Drive, 5901-5939 Sharpsburg Drive and 857 Jupiter Drive from Temp. A (Agriculture District), PUD-GDP and PUD-SIP to Amended PUD-GDP and R2T (Single-Family Residence District) to establish a General Development Plan for the future development of 109,000 square feet of retail/office space, a 24,000 square-foot library and 110 multi-family residential units; and approved the preliminary plat of Town Center Addition to Grandview Commons, creating 18 single-family lots, 5 town center lots and 1 outlot for the future development. The approved rezoning request coincided with approval of requests to amend the Comprehensive Plan and the Sprecher Neighborhood Development Plan to support the proposed town center mixed-use development contained in the amended general development plan.

Project Review, Analysis & Conclusion

The applicant is requesting approval of a request to rezone an approximately 0.3 acre site from PUD-GDP to PUD-SIP to allow construction of a 3,760 square-foot multi-tenant retail building at the northeastern corner of Cottage Grove Road (CTH BB) and extended Gemini Drive in the Grandview Commons Town Center development. The proposed building, referred to as the C3 Building on the March 2012-approved general development plan for the town center, will be located due west along the Cottage Grove Road frontage from the 58,000 square-foot Copps grocery store that will anchor the town center mixed-use development. In all, the amended and expanded general development plan for the Grandview Commons town center approved earlier this year calls for 109,000 square feet of retail and office space including the proposed grocery store, a 24,000 square-foot public library, and up to 110 multi-family residential units on the north side of Cottage Grove Road on both sides of Gemini Drive, which will be extended between Sharpsburg Drive and Cottage Grove Road to provide access to the amended town center development.

The proposed C3 building will be a one-story, L-shaped structure that will include up to 3 tenant spaces ranging in size from 950 square feet of leasable space to 1,420 square feet of leasable space. A total of 3,338 square feet of the 3,760 square-foot building will be leasable. The building will primarily parallel Gemini Drive but will include a 54-foot long façade facing Cottage Grove Road. The proposed building reflects a “four-sided design” that features a significant amount of vision glass along all four walls and usable entrances into the 3 tenant spaces from the Gemini Drive sidewalk and the parking area that will be constructed east of the building as part of the construction of the Copps store. A door is also proposed along the southern façade to provide access to a raised patio that will be constructed between the building and Cottage Grove Road sidewalk adjacent to the southernmost tenant space. The building will stand 17 feet in height as measured from the sidewalk of Gemini Drive and will feature an exterior comprised of two-toned brick veneer and metal panels and parapet elements. The tenant spaces will share an internal loading and refuse storage room located between the spaces identified as Tenant Space 1 and Tenant Space 2 on the plans.

The Planning Division believes that the specific implementation plan for the 3,800 square-foot multi-tenant retail building generally conforms to the Grandview Commons Town Center General Development Plan as amended in March 2012, which called for a 1-2-story building containing up to 3,500 square feet of commercial square footage and the opportunity for up to 6 residential units on an optional second floor. The general development plan states that entrances to the C3 building shall face onto Gemini Drive and include secondary entrances oriented towards the shared parking area to the east. If the building is proposed as a single-story building, the general development plan states that the building "shall be a minimum of 24 feet in height as measured to the top of the parapet."

Staff believes that the proposed PUD-SIP zoning can meet the criteria for planned unit developments and feels that the proposed building is generally well designed and that it will serve as an attractive, complement to the proposed Copps grocery store that shares this Cottage Grove Road blockface. The proposed building also addresses a condition made by the Common Council as part of its approval of the Amended PUD-GDP zoning approval earlier this year, which required that the developer of the town center submit a specific implementation plan for one other building on the B or C blocks (other than the City library) for review, approval and recording prior to or concurrent with the specific implementation plan for the grocery store being recorded and building permits issued.

The UDC granted initial approval of the specific implementation plan for the proposed building on October 17 and final approval on November 7, 2012 (see attached reports).

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment ID 3633, rezoning 5925 Sharpsburg Drive from PUD-GDP to PUD-SIP, subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

1. That the specific implementation plan for 5925 Sharpsburg Drive be revised per Planning Division approval prior to recording and the issuance of building permits for the grocery store at 6002 Cottage Grove Road as follows:
 - 1a. Revise the Signage section of the zoning text to state: "Signage for the building 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";
 - 1b. Work with Planning Division staff to revise the design of the proposed multi-tenant building to meet the design requirements for the C3 building in the PUD-GDP for Grandview Commons Town Center, namely the height of the one-story building as measured to the top of the parapet.

The following conditions have been submitted by reviewing agencies:

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

2. 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.

3. The applicant appears to be planning to use storm sewer designed and installed by others as a means to meet the drainage and water quality requirements for the site. This storm sewer being connected to has not as of yet been designed, approved or installed. Furthermore, in order to use off-site practices to meet these requirements, an agreement between the parties shall be required. This agreement shall be reviewed and approved by the City Engineer and recorded at the Register of Deeds.
 4. 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.
 5. The developer shall execute a waiver for hearing and notice of assessments related to the reconstruction of Cottage Grove Road. Furthermore, the applicant shall meet with City staff to determine the cost sharing requirements for the Cottage Grove Road reconstruction.
 6. 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
 7. Any private landscaping in the right of way will require a maintenance agreement for the non-standard improvements. This agreement shall be drafted by the City Engineering Division and recorded at the Register of Deeds.
 8. 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.
 9. The applicant shall coordinate all construction with the City's proposed Cottage Grove Road reconstruction project scheduled for 2015.
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 Gemini Drive in order to facilitate ingress and egress to the development.
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 street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the Parks Division (dkahl@cityofmadison.com or 266-4816). Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
18. All damage to the pavement on Gemini Drive adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
19. 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.
20. 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.
21. The lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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).
27. 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))
28. 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.

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

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| 29. 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. |
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30. 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.
31. 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.
32. The applicant shall provide a considerable deposit for signing and marking for new traffic control measures, including on Sharpsburg Drive and its intersections with Gemini Drive and North Star Drive. This includes money for stops signs, parking, crosswalks and bike lanes.
33. 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.
34. 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.
35. 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.
36. The site's northern walkway needs to provide a 3-5-foot wide terrace and buffer plus an 8-foot sidewalk for shared use (to be connected from the property's eastern edge to the library and Gemini Drive).
37. 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.

38. 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.
39. 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.
40. 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.
41. 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."
42. 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.
43. 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'.
44. 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.
45. 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.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit comments for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not submit comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

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)

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

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.